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NEW DELHI, SATURDAY, OCTOBER 17, 1992/ASVINA 25, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the
Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 18 सितम्बर, 1992

का.आ.2657:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राम प्रकाश गोविला, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अलीगढ़ (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. फा. 5(209)/92—न्यायिक]
पी. सी. कृष्णन, सक्षम प्राधिकारी

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)
(Judicial Section)
NOTICE

New Delhi, the 18th September, 1992

S.O. 2657.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ram Prakash Govila, Advocate for appointment as a notary to practise in Aligarh, (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(209)/92-Judl.]
P. C. KANAN, Competent Authority.

(4023)

सूचना

नई दिल्ली, 21 सितम्बर, 1992

का.आ.2653:—नोटरीज नियम, 1956 के नियम 6 अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रद्योत कुमार घोष, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे चन्दर नगर सब डिवीजन (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. फा. 5(215)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 21st September, 1992

S.O. 2658.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Prodyot Kumar Ghosh, Advocate for appointment as a Notary to practise in Chanda-naagre Sub-Division (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(215)/92-Judl.]

P. C. KANAN, Competent Authority.

सूचना

नई दिल्ली, 21 सितम्बर, 1992

का.आ.2659:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजवीर सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गाजियाबाद (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. फा. 5(214)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 21st September, 1992

S.O. 2659.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Rajvir Singh, Advocate for appointment as a Notary to practise in Ghaziabad (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(214)/92-Judl.]

P. C. KANAN, Competent Authority.

सूचना

नई दिल्ली, 21 सितम्बर, 1992

का.आ.2660:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि कुमारी मधुमिता कुण्डु, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कलकत्ता (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. फा. 5(216)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 21st September, 1992

S.O. 2660.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Miss Madhumita Kundu, Advocate for appointment as a Notary to practise in Calcutta (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. (216)/92-Judl.]

P. C. KANAN, Competent Authority.

सूचना

नई दिल्ली, 21 सितम्बर, 1992

का.आ.2661:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रामेश्वर प्रसाद शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सब डिवीजन कोटपुतली (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. फा. 5(213)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 21st September, 1992

S.O. 2661.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Rameshwar Prasad Sharma, Advocate for appointment as a Notary to practise in Sub-Division Kotputli (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(213)/92-Judl.]

P. C. KANAN, Competent Authority.

सूचना

नई दिल्ली, 22 सितम्बर, 1992

का.आ.2662:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री घनश्याम लाल पुरोहित, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे किशन गढ़ जिला अजमेर (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(217)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 22nd September, 1992

S.O. 2662.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ghanshyam Lal Purohit, Advocate for appointment as a Notary to practise in Kishan-garh, District Ajmer (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(217)/92-Judl.]

P. C. KANAN, Competent Authority.

सूचना

नई दिल्ली, 25 सितम्बर, 1992

का.आ.2663:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रवीर कुमार चौधरी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे राज गंज सदर (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 2(218)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 21st September, 1992

S.O. 2663.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Prabir Kumar Chaudhury, Advocate for appointment as a Notary to practise in Raiganj Sadar, District Uttar Dinajpur, West Bengal.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

No. F. 5(218)/92-Judl.]

P. C. KANAN, Competent Authority.

सूचना

नई दिल्ली, 28 सितम्बर, 1992

का.आ. 2664:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री डी. जी. पन्नानी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बम्बई (एस. एस. एस. नगर) महाराष्ट्र में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(211)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 28th September, 1992

S.O. 2664.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. D. G. Pannani, Advocate for appointment as a Notary to practise in Bombay, (Shon Kolwada Kings Circle, S.S.S. Nagar), (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(211)/92-Judl.]

P. C. KANAN, Competent Authority.

गृह मंत्रालय

(आन्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 7 अगस्त, 1992

का.आ.2665:—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम 1954 (1954 का 44) की धारा 34 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा निदेश देती है कि उत्तर प्रदेश राज्य में क्षतिपूर्ति फूल के भाग के रूप में भूमि एवं सम्पत्तियों के सम्बन्ध में उक्त अधिनियम की धारा 33 के अन्तर्गत इसके द्वारा प्रयोग की जा सकने वाली किन्हीं भी शक्तियों का 10-4-92 से उत्तर प्रदेश राज्य सरकार के राजस्व विभाग में संयुक्त सचिव द्वारा भी उनके स्वयं के दायित्वों के अतिरिक्त प्रयोग किया जा सकेगा।

2. यह अधिसूचना दिनांक 7-4-1989 की अधिसूचना [संख्या 1(8)/विशेष कस/88-एस. एस. 2] का अधिक्रमण करती है।

[संख्या 1(8)/विशेष कस/88-एस. एस. II/एस]

पी. टी. चक्रवर्तन, अवसर सचिव

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 7th August, 1992

S.O. 2665.—In exercise of the powers conferred by sub-section (i) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby directs that any powers exercisable by it under Section 33 of the said Act shall be exercisable also by the Joint Secretary in the Revenue Department of the State Government of Uttar Pradesh, in addition to his own duties, in respect of the lands & properties forming part of the Compensation Pool within the State of Uttar Pradesh w.e.f. 10th April, 1992.

2. This notification supersedes Notification No. 1(8)/Spl. Cell/88-SS.II dated 7th April, 1989.

[No. 1(8)/Spl. Cell/88-SS.II/S]

P. T. CHACKOCHAN, Under Secy.

नई दिल्ली, 26 अगस्त, 1992

का.प्रा.2666:—विस्थापित व्यक्ति (प्रतिभार एवं पुनर्वास) अधिनियम 1954 (1954 का 44) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा तहसीलदार बाऊन्डी सेल, कार्यालय वित्तायुक्त (राजस्व) पंजाब सरकार जिन्हें पुनर्वास विभाग पंजाब सरकार द्वारा प्रबन्ध अधिकारी के रूप में सभी अर्ध-न्यायिक मामले सौंप दिए गए हैं, को विस्थापित व्यक्तियों द्वारा पाकिस्तान में छोड़ दी गई भूमि के बबले में ग्रामीण निष्क्रान्त कृषि भूमि का प्राबंटन प्राप्त करने के लिए उनके अधिकारों की पात्रता का निर्धारण करने के सम्बन्ध में उक्त अधिनियम के द्वारा अथवा उसके अधीन, तहसीलदार के रूप में उनके स्वयं के दायित्वों के अतिरिक्त उनके अधिकार क्षेत्र में प्रबन्ध अधिकारी को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से प्रबन्ध अधिकारी के बतौर नियुक्त करती है।

[संख्या 1(4)/विशेष सेल/90-एस. एस./II/एस.]

पी.टी. चकोचन, अवर सचिव

New Delhi, the 26th August, 1992

S.O. 2666.—In exercise of the powers conferred by Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the Tehsildar, Boundary Cell, Office of the Financial Commissioner (Revenue), Government of Punjab to whom all the quasi-judicial cases have been entrusted by the Rehabilitation Department, Government of Punjab, as Managing Officer for the purpose of performing, in addition to his own duties as Tehsildar, within his jurisdiction, the functions assigned to a Managing Officer by or under the said Act in relation to the determination of rights of entitlement of the displaced persons for getting allotment of rural evacuee agricultural land in lieu of the land abandoned by them in Pakiātan.

No. 1(4)/Spl. Cell/90-SS.II/S]

P. T. CHACKOCHAN, Under Secy.

कामिक, लोक शिकायत तथा पेंशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 सितम्बर, 1992

का.प्रा.2667 :—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की

धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुलिस स्टेशन दहीसर, बम्बई शहर महाराष्ट्र के अन्तर्गत रजिस्टर किए गए मामले सं० 234/92 दिनांक 5-6-92 के बाबत भारतीय दंड संहिता (1860 का 45) की धारा 307, 224, 255, 34 भारतीय दंड संहिता (1860 का 45) सपठित धारा 3, 25 एवं 27 शास्त्र अधिनियम (1959 का 54) और सपठित 3, 4, 5, 6, आतंकवादी और विध्वंसक क्रियाकलाप (निवारण) अधिनियम, 1987 के अधीन दण्डनीय अपराधों और उक्त अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किन्हीं अन्य अपराधों के संबंध में या उनसे संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों के अन्वेषण के लिए महाराष्ट्र शासन, गृह विभाग (विशेष) की अधिसूचना सं० एस.पी.एल. 1 (बी)/टीईआर-0792/2944 सीआर-32 दिनांक 20-8-92 के तहत महाराष्ट्र सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण महाराष्ट्र राज्य पर करती है।

[संख्या 228/48/92-एवीडी-II]

ए०सी० शर्मा, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 23rd September, 1992

S.O. 2667.—In exercise of the powers conferred by sub-section (1) of Section 5, read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Maharashtra, Home Department (Special) vide Notification No. SPL. 1(B)/TER/0792/2944/CR-32 dated 20th August, 1992 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Maharashtra for investigation of offences punishable under Sections 307, 224, 225, 34 Indian Penal Code (25 of 1860) read with Sections 3, 25 and 27 Arms Act (No. 54 of 1959) and Sections 3, 4, 5 and 6 of Terrorist and Disruptive Activities (Prevention) Act, 1987 and attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offence or offences committed in the course of the same transaction arising out of the same facts in regard to FIR No. 234/92 registered on 5th June, 1992 at Police Station Dahisar, Bombay City (Maharashtra).

[No. 228/48/92-AVD.II]

A. C. SHARMA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

का.प्रा.2668 :—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं० 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री आर०के० मेहरोत्रा, अधिवक्ता, लखनऊ को विशेष मजिस्ट्रेट लखनऊ के न्यायालय में रघुनाथ गोड़ और अन्य के विरुद्ध विचारण के लिए संबन्धित दिल्ली विशेष पुलिस स्थापन मामले सं० आर०सी० 9/86-सी०आई०यू० (बी०) के विचारण का संचालन करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/6/92-ए०वी०डी०-II(8)]

ए०सी० शर्मा अवर सचिव

New Delhi, the 28th September, 1992

S.O. 2668.—In exercise of powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Central Government hereby appoints Shri R. K. Mehrotra, Advocate, Lucknow as Special Public Prosecutor for conducting trial of Delhi Special Police Establishment case No. RC. 9/86-CIU(B) against Raghunath Gaur and others pending trial in the court of Special Magistrate, Lucknow.

[No. 225/6/92-AVD-II(V)]

A. C. SHARMA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

का०आ० 2669:—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं० 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री आर०के० मेहरोत्रा, अधिवक्ता, लखनऊ को विशेष मजिस्ट्रेट, लखनऊ के न्यायालय में रघुनाथ गौड़ और अन्य के विरुद्ध विचारण के लिए संबन्धित दिल्ली विशेष पुलिस स्थापन मामले सं० आर०सी० 3/86-सी०आई०यू०(बी०) के विचारण का संचालन करने के लिए, विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/6/92-ए०वी०डी०-II(3)]

ए०सी० शर्मा, अवर सचिव

New Delhi, the 28th September, 1992

S.O. 2669.—In exercise of powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Central Government hereby appoints Shri R. K. Mehrotra, Advocate, Lucknow as Special Public Prosecutor for conducting trial of Delhi Special Police Establishment case No. RC. 3/86-CIU(B) against Raghunath Gaur and others pending trial in the court of Special Magistrate, Lucknow.

[No. 225/6/92-AVD-II(iii)]

A. C. SHARMA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

का०आ० 2670:—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम संख्या 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री आर०के० मेहरोत्रा, अधिवक्ता, लखनऊ को विशेष मजिस्ट्रेट, लखनऊ के न्यायालय में रघुनाथ गौड़ और अन्य के विरुद्ध विचारण के लिए संबन्धित दिल्ली विशेष पुलिस स्थापन मामले सं० आर०सी० 7/85-सी०आई०यू०(बी०) के विचारण का संचालन करने के लिए, विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/6/92-ए०वी०डी०-II(1)]

ए०सी० शर्मा, अवर सचिव

New Delhi, the 28th September, 1992

S.O. 2670.—In exercise of powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Central Government hereby appoints Shri R. K. Mehrotra, Advocate, Lucknow as Special Public Prosecutor for conducting trial of Delhi Police Establishment case No. RC. 7/85-CIU(B) against Raghunath Gaur

and others pending trial in the court of Special Magistrate, Lucknow.

[No. 225/6/92-AVD-II(i)]

A. C. SHARMA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

का०आ० 2671:—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम संख्या 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री आर०के० मेहरोत्रा, अधिवक्ता, लखनऊ को विशेष मजिस्ट्रेट, लखनऊ के न्यायालय में रघुनाथ गौड़ और अन्य के विरुद्ध विचारण के लिए संबन्धित दिल्ली विशेष पुलिस स्थापन मामले सं० आर०सी० 9/85-सी०आई०यू०(बी०) के विचारण का संचालन करने के लिए, विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/6/92-ए०वी०डी०-II(2)]

ए०सी० शर्मा, अवर सचिव

New Delhi, the 28th September, 1992

S.O. 2671.—In exercise of powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Central Government hereby appoints Shri R. K. Mehrotra, Advocate, Lucknow as Special Public Prosecutor for conducting trial of Delhi Special Police Establishment case No. RC. 9/85-CIU(B) against Raghunath Gaur and others pending trial in the court of Special Magistrate, Lucknow.

[No. 225/6/92-AVD-II(ii)]

A. C. SHARMA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

का०आ० 2672:—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम संख्या 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री आर०के० मेहरोत्रा, अधिवक्ता, लखनऊ को विशेष मजिस्ट्रेट, लखनऊ के न्यायालय में रघुनाथ गौड़ और अन्य के विरुद्ध विचारण के लिए संबन्धित दिल्ली विशेष पुलिस स्थापन मामले सं० आर०सी० 7/86-सी०आई०यू०(बी०) के विचारण का संचालन करने के लिए, विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/6/92-ए०वी०डी०-II(4)]

ए०सी० शर्मा, अवर सचिव

New Delhi, the 28th September, 1992

S.O. 2672.—In exercise of powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Central Government hereby appoints Shri R. K. Mehrotra, Advocate, Lucknow as Special Public Prosecutor for conducting trial of Delhi Special Police Establishment case No. RC. 7/86-CIU(B) against Raghunath Gaur and others pending trial in the court of Special Magistrate, Lucknow.

[No. 225/6/92-AVD-II(iv)]

A. C. SHARMA, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

आवेश

नई दिल्ली, 15 सितम्बर, 1992

स्टाम्प

का०प्रा० 2673:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो भारतीय पर्यटक वित्त निगम लि०, नई दिल्ली द्वारा जारी किए जाने वाले मास पच्चीस करोड़ रुपये के मूल्य के 1 से 250000 की संख्या वाले प्रोमिसरी नोटों के स्वरूप में 12% सरकारी गारन्टीशुदा बॉण्ड-(जी बी-1-2012 श्रृंखला) पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं० 21/92-स्टाम्प-एफ० सं० 33/1/92-वि०क०]

आत्मा राम, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 15th September, 1992

STAMPS

S.O. 2673.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the 12 per cent Government Guaranteed Bonds—(G.B.-I-2012 Series) in the nature of promissory notes—bearing distinctive numbers 000001 to 250000 of the value of rupees twenty-five crores only to be issued by Tourism Finance Corporation of India Limited, New Delhi are chargeable under the said Act.

[No. 21/92-Stamp—F. No. 33/1/92-ST]

ATMA RAM, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 18 सितम्बर, 1992

आयकर

का०प्रा० 2674:—इस कार्यालय के दिनांक 26-5-1989 की अधिसूचना संख्या 8377 (फा०सं० 203/279/88-आ०क०नि० 11) के क्रम में आम सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय प्रत्यक्ष कर बोर्ड द्वारा नीचे उल्लिखित संस्था को आयकर अधिनियम, 1961 की धारा 35डी की उपधारा (2) के खण्ड (ए) क उप-खण्ड (i) से (iii) तक में यथा-उल्लिखित किसी कर-निर्धारिती के कारोबार के लिए सम्भाव्यता रिपोर्ट तैयार करने अथवा परियोजना-रिपोर्ट तैयार करने अथवा बाजार

सर्वेक्षण का संचालन करने अथवा किसी अन्य सर्वेक्षण के संबंध में कार्य करने के प्रयोजनार्थ अनुमोदित किया जाता है।

संस्था

मैसर्स चतुर्वेदी एण्ड कंपनी

60, बेंटिंक स्ट्रीट

कलकत्ता-700069

यह अधिसूचना दिनांक 18-8-91 से 18-8-94 तक की अवधि के लिए प्रभावी है।

[संख्या 9092/फा०सं० 203/80/91-आ० कर० नि०-11]

अजय कुमार, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 18th September, 1992

S.O. 2674.—In continuation of this Office Notification No. 8377 (F. No. 203/279/88-ITA-II) dated 26th May, 1989 it is hereby notified for general information that the concern mentioned below has been approved by the Central Board of Direct Taxes for the purposes of carrying out the work in connection with the preparation of the feasibility report or the preparation of project report or conducting market survey or any other survey for the business of an assessee as is referred to in sub-clauses (i) to (iii) of clause (a) of sub-section (2) of Section 35D of the Income-tax Act, 1961.

CONCERN

M/s. Chaturvedi & Company,

60, Bentinck Street, Calcutta-700069.

This Notification is effective for a period from 19th August, 1991 to 18th August, 1994.

[No. 9092/F. No. 203/80/91-ITA.II]

AJAY KUMAR, Under Secy.

नई दिल्ली, 25 सितम्बर, 1992

आयकर

का०प्रा० 2675:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 44-ए की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा कम्पनी सचिव के व्यवसाय को उक्त उपधारा के प्रयोजनार्थ अधिसूचित करता है।

स्पष्टीकरण : इस अधिसूचना में "कम्पनी सचिव" से तात्पर्य ऐसे किसी व्यक्ति से है, जो कम्पनी सचिव अधिनियम, 1980 (1980 का 56) की धारा 2 की उपधारा (2) के अभिप्राय के अन्तर्गत व्यवहारिक रूप में भारतीय कम्पनी सचिव संस्थान का एक सदस्य हो।

[सं० 9102/फा०सं० 225/51/92-आयकर(नि० I)]

जी० मुत्तुरामकृष्णन, विशेष कार्य अधिकारी

New Delhi, the 25th September, 1992

New Delhi, the 31st August, 1992

INCOME-TAX

S.O. 2675.—In exercise of the powers conferred by sub-section (1) of Section 44AA of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby notifies the profession of Company Secretary for the purpose of the said sub-section.

Explanation.—In this notification, 'Company Secretary' means a person who is a member of the Institute of Company Secretaries of India in practice within the meaning of sub-section (2) of section 2 of the Company Secretaries Act, 1980 (56 of 1980).

No. 9102/F. No. 225/51/92-IT(AII)]

G. MUTHURAMAKRISHNAN, Officer on Spl. Duty

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 31 अगस्त, 1992

का०आ० 2676:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध कर्नाटक बैंक लि० पर कर्नाटक के जिला हसन, अर्कलगुड तालुका, ग्राम मल्लीपटना में इसके द्वारा धारित भवन संपत्ति के संबंध में इस अधिसूचना की तारीख से एक वर्ष की अवधि के लिए लागू नहीं होंगे।

[सं० 15/6/92-बी०ओ० ए०]

के०के० मंगल, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 31st August, 1992

S.O. 2676.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to Karnataka Bank Ltd. in respect of its holding Building property at Mallipatna Village, Arkalgud Taluk, Hassan District, Karnataka for a period of one year from the date of notification.

[No. 15/6/92-B.O.A.]

K. K. MANGAL, Under Secy.

नई दिल्ली, 31 अगस्त, 1992

का०आ० 2677:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश से, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध कैथोलिक सीरियन बैंक लि० पर केरल राज्य के जिला कोट्टायम, वैकूम तालुका के ग्राम चेम्बूर के सर्वेक्षण सं० 198/9 के अन्तर्गत इसके द्वारा धारित एक एकड़ 81 सेंट० की अचल सम्पत्ति के सम्बन्ध में 27 जून, 1994 तक की अवधि तक लागू नहीं होंगे।

[सं० 15/14/87-बी०ओ० ए०]

के०के० मंगल, अवसर सचिव

S.O. 2677.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Catholic Syrian Bank Ltd. upto 27th June, 1994 in respect of immovable property of one acre 81 cents held by it under survey No. 198/9 of Chembu village in Vaikom Taluk, Kottayam District, Kerala State.

[No. 15/14/87-B.O.A.]

K. K. MANGAL, Under Secy.

नई दिल्ली, 25 सितम्बर, 1992

का०आ० 2678:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ख की उपधारा (1) तथा (2) के उपबन्ध पंजाब कोऑपरेटिव बैंक लि० पर 9 सितम्बर, 1992 से 8 नवम्बर, 1992 तक दो महीने की अवधि के वास्ते अथवा बैंक के नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक इनमें से जो भी पहले हो, लागू नहीं होंगे।

[संख्या 15/10/91-बी०ओ० III(i)]

के०के० मंगल, अवसर सचिव

New Delhi, the 25th September, 1992

S.O. 2678.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10-B of the said Act shall not apply to the Punjab Cooperative Bank Limited for a period of two months from 9th September, 1992 to 8th November, 1992 or till the appointment of a regular wholetime Chairman for that bank, whichever is earlier.

[No. 15/10-91-B.O. III(i)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 25 सितम्बर, 1992

का०आ० 2679:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ख की उपधारा (9) के उपबन्ध, पंजाब कोऑपरेटिव बैंक लि० पर 9 सितम्बर, 1992 से 8 नवम्बर 1992 तक अथवा बैंक के नियमित अध्यक्ष की नियुक्ति होने तक इनमें से जो भी पहले हो, उस सीमा तक लागू नहीं होंगे जहां तक बैंक को 4 महीने से अधिक के वास्ते अध्यक्ष एवं मुख्य कार्यपालक अधिकारी का कार्य करने के लिए किसी व्यक्ति को नियुक्त करने की छूट प्राप्त है।

[संख्या 5/10/91-बी०ओ० III(ii)]

के०के० मंगल, अवसर सचिव

New Delhi, the 25th September, 1992

S.O. 2679.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949, (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of section 10-B of the said Act shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding four months, apply to the Punjab Cooperative Bank Limited from 9th September, 1992 to 8th November, 1992 or till the appointment of a regular Chairman for that bank, whichever is earlier.

[No. 15/10/91-B.O. III(ii)]
K. K. MANGAL, Under Secy.

नई दिल्ली, 18 सितम्बर, 1992

कां.आ. 2680.—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 की सं. 53) की धारा 6 की उप-धारा (1) के खण्ड (इ) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा ग्रामीण विकास मंत्रालय में ग्रामीण आवास के प्रभारी संयुक्त सचिव को अगले आदेशों तक सचिव, भारत सरकार, ग्रामीण विकास मंत्रालय के स्थान पर राष्ट्रीय आवास बैंक के निदेशक मंडल में निदेशक के रूप में नियुक्त करती है।

[सं. 7/2/88-वी.ओ. -I]
एम.एस. सीतारामन्, अवसर सचिव

New Delhi, the 18th September, 1992

S.O. 2680.—In pursuance of clause (e) of sub-section (1) of section 6 of the National Housing Bank Act, 1987 (No. 53 of 1987) the Central Government, in consultation with Reserve Bank of India, hereby appoints the Joint Secretary incharge of rural housing in the Ministry of Rural Development, as a Director on the Board of Directors of the National Housing Bank vice Secretary to the Government of India, Ministry of Rural Development, until further orders.

[No. 7/2/88-B.O.I]
M. S. SEETHARAMAN, Under Secy.

(बीमा प्रमाण)

नई दिल्ली, 1 अक्टूबर, 1992

का. आ. 2681.—बीमा अधिनियम, 1938 (1938 का 4) की धारा 27-ए की उपधारा (i) के खंड (अ) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय जीवन बीमा निगम द्वारा जन विश्वेय संस्थाओं जैसे भारतीय औद्योगिक विकास बैंक, औद्योगिक विश्व निगम तथा आई. सी. आई. सी. आई. आई. आदि के जमा प्रमाण पत्रों पर लगाई गई घनराशि को उक्त धारा के प्रयोजन के लिए "अनुमोदित" निवेश घोषित करती है।

[फा. सं. 131(1)/बीमा IV/90]

जो. सी. बसुमानारी, उपा सचिव

(Insurance Division)

New Delhi, the 1st October, 1992

S.O. 2681.—In exercise of the powers conferred by clause (q) of Sub-section (i) of Section 27A of the Insurance Act, 1938 (4 of 1938) the Central Government hereby declares

the placement of money by Life Insurance Corporation of India in Certificates of Deposit issued by public financial institutions such as IDBI, IFCI, ICICI etc. as "Scheduled" Investment for the purpose of the said Section.

[F. No. 131(1)/Ins. IV/90]

G. C. BASUMATARI, Dy. Secy.

केन्द्रीय उत्पाद शुल्क समाहृतलय

अधिसूचना सं. 06/92

नागपुर, 9 सितम्बर, 1992

का. आ. 2682.—श्री डी. सी. दिग्हे, सहायक समाहर्ता, केन्द्रीय उत्पाद शुल्क समूह "क" समाहृतलय नागपुर निवर्तन की प्राप्ति करने पर दिनांक 31-08-1992 की अपराह्न में शासकीय सेवा से निवृत्त हुए।

[प. सं. 11 (3) 17/91/स्पा. I/20797]

हरजिंदर सिंह, उपा समाहर्ता (कामिक एवं सतर्कता)

CENTRAL EXCISE COLLECTORATE

NOTIFICATION NO. 06/1992

Nagpur, the 9th September, 1992

S.O. 2682.—Shri D. C. Dighe, Assistant Collector, Central Excise Group 'A' of Nagpur Collectorate having attained the age of Superannuation retired from Government service on 31st August, 1992 in the Afternoon.

[C. No. II(3)/6/91/Estt. I/20797]

HARJINDER SINGH, Dy. Collector (Per. & Vig.)

अधिसूचना संख्या 07/1992

नागपुर, 9 सितम्बर, 1992

का. आ. 2683.—समाहृतलय, केन्द्रीय उत्पाद शुल्क, नागपुर के निम्न-लिखित अधिकारीगण निवर्तन प्राप्ति करने पर अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह "ख" के ग्रेड में उनके नाम दर्शाई गई तिथि से शासकीय सेवा से निवृत्त हो गये।

क्र. सं. अधिकारियों का नाम निवृत्त होने की तिथि

सर्वश्री

- | | |
|----------------------|----------------------|
| 1. एस. पी. हंगोले | 31-08-1992 (अपराह्न) |
| 2. श्री एस. मदावर्ते | 31-08-1992 (अपराह्न) |

[प. सं. 11 (3) 3/92/स्पा.वता - 1/20818]

हरजिंदर सिंह, उपा समाहर्ता (कामिक एवं सतर्कता)

NOTIFICATION NO. 07/1992

Nagpur, the 9th September, 1992

S.O. 2683.—The following Superintendents, Central Excise Group 'B' of Nagpur Collectorate having attained the age of Superannuation retired

Government service on the dates shown against their names :—

Sr.No.	Name of the Officer	Date of Retirement
	S/Shri	
1.	M.P. Ingole	31-08-1992 A.N.
2.	V.S. Sadavarte	31-08-1992 A.N.

[C.No. II(3)3/92/Estt.I/20818]

Harjinder Singh, Dy. Collector (Per and Viz.)

अधिसूचना संख्या 08/1992

नागपुर, 23 सितम्बर, 1992

का. आ. 2684—नागपुर समाहर्तालय के केन्द्रीय उत्पाद शुल्क समूह "ख" अधिकारी श्री आर. जे. धवने, अधीक्षक, दिनांक 1992 (पूर्वाह्न) से स्वच्छा से सेवानिवृत्त हुए हैं।

[प. सं. 11 (3) 3/92/स्था. 1/21857]

हरजिंदर सिंह, उप समाहर्ता (कामिक एवं सतर्कता)

NOTIFICATION NO. 08/1992

Nagpur, the 23rd September, 1992

S.O. 2684.—Shri R. J. Dhawane, Superintendent, Central Excise Group 'B' of Nagpur Collectorate has retired voluntarily with effect from 1st September, 1992 in the forenoon.

[C. No. II(3)3/92/Estt. I/21857]

HARJINDER SINGH, Dy. Collector (Per. & Vig.)

व्यय विभाग

नई दिल्ली, 25 सितम्बर, 1992

का. आ. 2685.—भविष्य निधि अधिनियम, 1925 (1925 का 19) की धारा 8 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित लोक संस्थान के नाम को उक्त अधिनियम की अनुसूची में क्रम संख्या 146 पर शामिल करती है "इन्डो-फ्रेंच सेंटर फार दि प्रोमोशन आफ एडवांस्ड रिसर्च"

[सं. 4 (1) - संस्था. V/92 (I)]

जी. जोसेफ, निदेशक

(Department of Expenditure)

New Delhi, the 25th September, 1992

S.O. 2685.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Fund Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act at S. No. 146 the name of the following public institution, namely :—

"Indo-French Centre for the promotion of Advanced Research."

[No. 4(1)-E.V./92(1)]

G. JOSEPH, Director

नई दिल्ली, 25 सितम्बर, 1992

का. आ. 2686.—भविष्य निधि अधिनियम, 1925 (1925 का 19) की धारा 8 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम के उपबंध (धारा 6क की छोड़कर) "इन्डो-फ्रेंच सेंटर फार दि प्रोमोशन आफ एडवांस्ड रिसर्च" के कर्मचारियों के लाभ के लिए संस्थापित भविष्य निधि पर लागू होंगे।

[सं. 4 (1) संस्था. V/92 (II)]

जी. जोसेफ, निदेशक

2482 GI/92—2

New Delhi, the 25th September, 1992

S.O. 2686.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act (except section 6A) shall apply to the Provident Fund established for the benefit of the employees of the "Indo-French Centre for the Promotion of Advanced Research."

[No. 4(1)-E.V./92(II)]

G. JOSEPH, Director

भारतीय रिजर्व बैंक

(विदेशी मुद्रा नियंत्रण विभाग)

(केन्द्रीय कार्यालय)

बम्बई, 7 सितम्बर, 1992

का. आ. 2687.—विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 8 की उपधारा (1) के अनुसरण में तथा अपनी अधिसूचना सं. फेरा. 3/74 आरबी दिनांक 1 जनवरी, 1974 और फेरा 108/92—आरबी दिनांक 15 फरवरी, 1992 का अधिक्रमण करते हुए रिजर्व बैंक सहर्ष यह निर्देश देता है कि उक्त उपधारा द्वारा लगाया गया निषेध ऐसे किसी खाते को चालू रखने और उसमें लेन देन करने पर लागू नहीं होगा जो किसी विदेशी करेंसी में व्यक्त है और जिसे इस संबंध में रिजर्व बैंक द्वारा अनुमोदित किसी योजना के अनुसार भारत में किसी प्राधिकृत व्यापारी के पास अथवा भारत के बाहर खोला गया है, बशर्ते इस प्रकार की विदेशी मुद्रा किसी व्यक्ति द्वारा—

(क) भारत से बाहर आने निवास के दौरान उक्त अधिनियम का उल्लंघन न करते हुए; अथवा

(ख) ऐसे व्यक्ति के भारत से बाहर निवास के दौरान उसके द्वारा ग्रहण की गई निष्पत्ति अथवा उसके द्वारा शुरू किये गये व्यापार अथवा व्यवसाय के माध्यम से प्राप्त की गई हो।

परन्तु, दोनों ही मामलों में ऐसे व्यक्ति ने भारत के बाहर लगातार कम से कम एक वर्ष तक निवास किया हो।

[अधिसूचना सं. फेरा 116/92—आरबी]

रा. जानकीरामन, डा गवर्नर

RESERVE BANK OF INDIA

(Exchange Control Department)

(Central Office)

Bombay, the 7th September, 1992

S.O. 2687.—In pursuance of sub-section (1) of Section 8 of the Foreign Exchange Regulation Act, 1973, (46 of 1973) and in supersession of its Notifications No. FERA 3/74-RB dated 1st January, 1974 and No. FERA 108/92-RB dated 15th February, 1992, the Reserve Bank is pleased to direct that the prohibition imposed by that sub-section shall not apply to the maintenance of and operations on an account, expressed in any foreign currency, with an authorised dealer in India in accordance with any schemes approved by the Reserve Bank in this behalf, or outside India, if such foreign currency was acquired by a person,—

(a) otherwise than in contravention of the said Act, while he was resident outside India; or

(b) through employment, business or vocation outside India, taken up or commenced while such person was resident outside India;

Provided that in either case, such a person has been resident outside India for a continuous period of not less than one year.

[Notification No. FERA 116/92-RB]

R. JANAKIRAMAN, Dy. Governor

बम्बई, 7 सितम्बर, 1992

का. प्रा. 2688.—विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 9 की उपधारा (1) के अनुसरण में तथा अपनी अधिसूचना सं. फेरा. 5/74 आरबी दिनांक 1 जनवरी, 1974 का अधि-क्रमण करते हुए, रिजर्व बैंक सहर्ष यह निर्देश देता है कि उक्त उपधारा के खंड (क) द्वारा लगाया गया निषेध रिजर्व बैंक द्वारा अनुमोदित किसी योजना के अनुसार भारत में अथवा भारत के बाहर धारित विदेशी मुद्रा में से, भारत के बाहर रहने वाले किसी व्यक्ति को सुगमता करने अथवा उसके पक्ष में जमा करने के लिए लागू नहीं होगा, बशर्ते इस प्रकार की विदेशी मुद्रा किसी व्यक्ति द्वारा—

(क) भारत बाहर से अपने निवास के दौरान उक्त अधिनियम का उल्लंघन न करते हुए; अथवा

(ख) ऐसे व्यक्ति के भारत से बाहर निवास के दौरान उसके द्वारा ग्रहण की गयी नियुक्ति अथवा उसके द्वारा शुरू किये गये व्यापार अथवा व्यवसाय के माध्यम से प्राप्त की गयी हो।

परन्तु दोनों ही मामलों में ऐसे व्यक्ति ने भारत के बाहर लगातार कम से कम एक वर्ष तक निवास किया हो।

[अधिसूचना सं. फेरा. 117/92-आरबी]

रा. जानकीरामन, उप गवर्नर

Bombay, the 7th September, 1992

S.O. 2688.—In pursuance of sub-section (1) of Section 9 of the Foreign Exchange Regulation Act, 1973 (46 of 1973), and in supersession of its Notification No. FERA 5/74-RB dated 1st January, 1974, the Reserve Bank is pleased to direct that the prohibition imposed by Clause (a) of that sub-section shall not apply to the making of any payment to or for the credit of any person resident outside India, out of foreign exchange held in India in accordance with any schemes approved by the Reserve Bank in this behalf, or outside India, if such foreign exchange was acquired by a person—

(a) otherwise than in contravention of the said Act, while he was resident outside India; or

(b) through employment, business or vocation outside India, taken up or commenced while such person was resident outside India :

Provided that in either case, such a person has been resident outside India for a continuous period of not less than one year.

[Notification No. FERA 117/92-RB]

R. JANAKIRAMAN, Dy. Governor

बम्बई, 7 सितम्बर, 1992

का. प्रा. 2689.—विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 19 की उपधारा (1) के अनुसरण में तथा अपनी अधिसूचना सं. फेरा. 12/74 आरबी दिनांक 1 जनवरी, 1974 का अधि-क्रमण करते हुए रिजर्व बैंक सहर्ष यह निर्देश देता है कि उक्त उपधारा द्वारा किसी विदेशी प्रतिभूति के अधिधारण, उन्हें रखने अथवा उसके निपटान पर लगाया गया निषेध रिजर्व बैंक द्वारा अनुमोदित किसी योजना के अनुसार भारत में अथवा भारत के बाहर धारित विदेशी मुद्रा तथा उसकी आमदनी में से प्राप्त की गई विदेशी प्रतिभूतियों पर लागू नहीं होगा, बशर्ते इस प्रकार की विदेशी मुद्रा किसी व्यक्ति द्वारा—

(क) भारत से बाहर अपने निवास के दौरान उक्त अधिनियम का उल्लंघन न करते हुए; अथवा

(ख) ऐसे व्यक्ति के भारत से बाहर निवास के दौरान उसके द्वारा ग्रहण की गयी नियुक्ति अथवा उसके द्वारा शुरू किये गये व्यापार अथवा व्यवसाय के माध्यम से प्राप्त की गई हो।

परन्तु, दोनों ही मामलों में ऐसे व्यक्ति ने भारत के बाहर लगातार कम से कम एक वर्ष तक निवास किया हो।

[अधिसूचना सं. फेरा. 118/92-आरबी]

रा. जानकीरामन, उप गवर्नर

Bombay, the 7th September, 1992

S.O. 2689.—In pursuance of sub-section (1) of Section 19 of the Foreign Exchange Regulation Act, 1973 (46 of 1973) and in supersession of its Notification No. FERA. 12/74-RB dated 1st January, 1974, the Reserve Bank is pleased to direct that the prohibition imposed by that sub-section on the acquisition, holding or disposal of any foreign security, shall not apply to foreign securities acquired out of foreign exchange held in India in accordance with any schemes approved by the Reserve Bank in this behalf, or outside India and income thereon, if such foreign exchange was acquired by a person—

(a) otherwise than in contravention of the said Act, while he was resident outside India; or

(b) through employment, business or vocation outside India, taken up or commenced while such person was resident outside India :

Provided that in either case, such a person has been resident outside India for a continuous period of not less than one year.

[Notification No. FERA. 118/92-RB]

R. JANAKIRAMAN, Dy. Governor

बम्बई, 7 सितम्बर, 1992

का. प्रा. 2690.—विदेशी मुद्रा विनियमन अधिनियम 1973 (1973 का 46) की धारा 24 के अनुसरण में तथा अपनी अधिसूचना सं. फेरा. 13/74 आरबी दिनांक 1 जनवरी, 1974 का अधि-क्रमण करते हुए रिजर्व बैंक सहर्ष यह निर्देश देता है कि उक्त धारा द्वारा लगाया गया निषेध किसी प्रकार का निपटान करने अथवा रिजर्व बैंक द्वारा अनुमोदित किसी योजना के अनुसार भारत में अथवा भारत के बाहर धारित विदेशी मुद्रा तथा उसकी आमदनी अथवा उसे उपहार स्वरूप देने पर लागू नहीं होगा, बशर्ते इस प्रकार की विदेशी मुद्रा किसी व्यक्ति द्वारा—

(क) भारत से बाहर अपने निवास के दौरान उक्त अधिनियम का उल्लंघन न करते हुए; अथवा

(ख) ऐसे व्यक्ति के भारत से बाहर निवास के दौरान उसके द्वारा ग्रहण की गयी नियुक्ति अथवा उसके द्वारा शुरू किये गये व्यापार अथवा व्यवसाय के माध्यम से प्राप्त की गई हो।

परन्तु, दोनों ही मामलों में ऐसे व्यक्ति ने भारत के बाहर लगातार कम से कम एक वर्ष तक निवास किया हो।

[अधिसूचना सं. फेरा. 119/92-आरबी]

रा. जानकीरामन, उप गवर्नर

Bombay, the 7th September, 1992

S.O. 2690.—In pursuance of the powers conferred by Section 24 of the Foreign Exchange Regulation Act, 1973 (46 of 1973) and in supersession of its Notification No. FERA 13/74-RB dated 1st January, 1974, the Reserve Bank is pleased to direct that the prohibition imposed by that Section shall not apply to the making of any settlement or gift of any foreign exchange held in India in accordance with any

schemes approved by the Reserve Bank in this behalf, or outside India and income thereon, if such foreign exchange was acquired by a person,—

- (a) otherwise than in contravention of the said Act, while he was resident outside India; or
- (b) through employment, business or vocation outside India, taken up or commenced while such person was resident outside India :

Provided that in either case, such a person has been resident outside India for a continuous period of not less than one year.

[Notification No. FERA. 119/92-RB]
R. JANAKIRAMAN, Dy. Governor

बम्बई 7 मितम्बर, 1992

का.पा. 2691:—विदेशी मुद्रा विनियम अधिनियम, 1973 (1973 का 46) की धारा 25 का उप-धारा (1) के अनुसरण में रिजर्व बैंक सहर्ष यह निर्देश देता है कि उक्त उप-धारा द्वारा लगाया गया निषेध भारत के बाहर प्रवास मंजूरि प्राप्त करने पर, जिसे रिजर्व बैंक द्वारा अनुमोदित विदेशी योजना के अनुसार भारत में अथवा भारत के बाहर धारित विदेशी मुद्रा तथा उसकी आमदनी से प्राप्त किया गया हो, लागू नहीं होगा, बशर्ते इस प्रकार की विदेशी मुद्रा किसी व्यक्ति द्वारा :—

- (क) भारत से बाहर अपने निवास के दौरान उक्त अधिनियम का उल्लंघन न करते हुए; अथवा
- (ख) ऐसे व्यक्ति के भारत से बाहर निवास के दौरान उसके द्वारा ग्रहण की गई निष्पत्ति अथवा उसके द्वारा शुरू किये गये व्यापार अथवा व्यवसाय के माध्यम से प्राप्त की गयी हो:

परन्तु दोनों ही मामलों में ऐसे व्यक्ति ने भारत के बाहर लगातार कम-से-कम एक वर्ष तक निवास किया हो।

[अधिसूचना सं. फेरा. 120/92--आरबी]

रा० जातिकोरामन, उप गवर्नर

Bombay, the 7th September, 1992

S.O. 2691.—In pursuance of sub-section (1) of Section 25 of the Foreign Exchange Regulation Act, 1973 (46 of 1973), the Reserve Bank is pleased to direct that the prohibition imposed by that sub-section shall not apply to the acquisition outside India of immovable property out of foreign exchange held in India, in accordance with any schemes approved by the Reserve Bank in this behalf or outside India and income thereon, if such foreign exchange was acquired by a person—

- (a) otherwise than in contravention of the said Act, while he was resident outside India; or

(b) through employment, business or vocation outside India, taken up or commenced while such person was resident outside India :

Provided that in either case, such a person has been resident outside India for a continuous period of not less than one year.

[Notification No. FERA. 120/92-RB]
R. JANAKIRAMAN, Dy. Governor

विदेश मंत्रालय

नई दिल्ली, 21 मितम्बर, 1992

का.आ. 2692:—राजनयिक कोसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वा) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत का प्रधान कोसलावास, कराची (पाकिस्तान) में निम्नलिखित व्यक्तियों को 15-6-1992 से कोसली एजेंट का कार्य करने के लिए प्राधिकृत करता है:—

- 1 ओ. डी. त्यागी, सहायक
- 2 एस. बी. यादव, सहायक
- 3 अनिल शाह, सहायक
- 4 नरिन्द्र सिंह, सहायक
- 5 दलजीत सिंह, सहायक

[सं टी-4330/1/91]

वाई. पी. सिंह, अवर सचिव (पी.बी.एस)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 21st September, 1992

S.O. —In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises the following officials in the Consulate General of India, Karachi (Pakistan) to perform the duties of Consular Agent with effect from 15th June, 1992 :

1. Ssri D. D. Tyagi, Asstt.
2. Shri S. B. Yadav, Asstt.
3. Shri Anil Shah, Asstt.
4. Shri Narinder Singh, Asstt.
5. Shri Daljeet Singh, Asstt.

[No. T-4330/1/91]

Y. P. SINGH, Under Secy. (PVS)

नागरिक पूति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(भारतीय मानक ब्यूरो)

नई दिल्ली, 25 अगस्त, 1992

का. प्रा. 2693:—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में एतद् अधिसूचित किया जाता है कि जिन प्रमाणन मुहर मार्गसंकेतों के विवरण नीचे दिए गए हैं, उनकी प्रवर्धिता समाप्त हो गई है :

अनुसूची

क्रम सं.	लाइसेंस नं.	लाइसेंसधारी का नाम और पता	सम्बन्ध भारतीय मानक	रद्द होने की तिथि
(1)		(2)	(3)	(4)
1	0245737	वेस्टर्न रोलिंग मिल्स लि., के. पारीख हाउस, 47 पी. डी. मैलो रोड, बम्बई—40009	IS 226 : 1975	92-03-31
2	0245838	वेस्टर्न रोलिंग मिल्स लि., के. पारीख हाउस, 47 पी. डी. मैलो रोड, बम्बई—400009	IS 19777 : 1975	92-03-13

(1)	(2)	(3)	(4)
3. 0368854	प्रताप स्टील्स लि., 21/3 मथुरा रोड, फरीदाबाद ।	IS 6914 : 1978	92-01-31
4. 0418947	अशोक मेटल इंडस्ट्रीज, टैगोर रोड, राजकोट—360004	IS 916 : 1975	92-04-15
5. 0846561	आर. एस. हिलका एंड संस, 102 कमला मार्केट, नई दिल्ली—110002 ।	IS 2312 : 1967	92-03-15
6. 0937665	प्रिंसीजन स्टील एंड इंजीनियरिंग वर्क्स, बी-44, ग्रेटर कोलाहा, नई दिल्ली—110048 ।	IS 280 : 1978	92-01-31
7. 1057034	डोली मेकेनिकल वर्क्स, मैजिस्टिक रोड, मोगा-142001 ।	IS 9020 : 1979	92-03-15
8. 1057135	नीलम एंग्रोक्लवर इंडस्ट्रीज, मैजिस्टिक रोड, मोगा-142001 ।	IS 9020 : 1979	92-03-15
9. 1073840	ट्यूब्स एंड बार्स, 27 इंडस्ट्रियल एरिया, डीजल शेड के सामने भगत की कोठी, जोधपुर—342003 ।	IS 398 (पार्ट-I) : 1976	92-08-31
10. 1147944	कंक्रीट फैब्रिकेटर्स प्रा. लि., फ्लैट नं. 201 डी, 1-ए शाहनजफ रोड, लखनऊ ।	IS 458 : 1988	92-01-15
11. 1266851	अलंकार केबल इंडस्ट्रीज, शालीमार इंड. एरिया, दिल्ली-110033 ।	IS 1554 (पार्ट 1) : 1988	92-01-15
12. 1301928	अशोक मेटल इंडस्ट्रीज, टैगोर रोड, राजकोट-360004 ।	IS 10325 : 1989	92-04-15
13. 1402025	सचदेवा इंडस्ट्रीज, पुर रोड, बेलिया खुर्द, भोलवाड़ा—311001 ।	IS 9020 : 1979	92-03-31
14. 1501936	हरियाणा स्टील एंड एल्युमि. लि., 48 वां किमी, जी. टी. रोड, मुरथल, सोनीपत ।	IS 6914 : 1978	92-01-31
15. 1562249	ईगल टिन, इंड., डा. रेथन सिल्क मिल्स, जी. टी. रोड, अमृतसर-143115 ।	IS 10325 : 1989	92-04-30
16. 1659365	श्री लक्ष्मी टिन इंडस्ट्रीज, दिल्ली रोड, हिसार, हरियाणा-125004 ।	IS 10325 : 1989	92-02-29
17. 1791062	इलेक्ट्रा इंडस्ट्रीज, 108 ए पार्वती इंड. एस्टेट, सनमिल कंपाउंड, लोअर पारेल (पश्चिम) बम्बई ।	IS 3854 : 1988	92-02-15
18. 1869982	इलेक्ट्रा इंडस्ट्रीज, 108 ए पार्वती इंड. एस्टेट, सनमिल कंपाउंड, लोअर पारेल (पश्चिम) बम्बई ।	IS 1293 : 1988	92-02-15
19. 1893070	ओखला कैमीकल्स लि., ए-88, ओखला इंडस्ट्रियल एरिया, फेज-2, नई दिल्ली-110020 ।	IS 6793 : 1972	91-10-31
20. 1955167	सेन्चुरी आयरन एंड स्टील लि., शेरपुर रोड, मलेर कॉटला, जिला-संगरूर—143023 ।	IS 6914 : 1978	92-05-15
21. 2086046	सेन्चुरी वस्तु प्रा. लि., 5-1-244, हिल स्ट्रीट, सिकन्दराबाद-500003 ।	IS 8034 : 1989	92-02-29
22. 2191043	जम्मू इस्पात प्रा. लि., लेन नं. 21, फेज 2, सिडको इंड. कामलेक्स, बरार ब्राह्मण, जम्मू ।	IS 1161 : 1979	92-01-31
23. 2209541	गुजरात कां. आत सोड ग्रीनर्स फेडरेशन, 284/1, आई डी जी सी एस्टेट वापी (गुजरात) ।	IS 10325 : 1989	92-02-29
24. 2212934	जिंदल आयरन एंड स्टील कॉ. लि., 5-ए, जी. देशमुख मार्ग, बम्बई—400026 ।	IS 6914 : 1978	92-03-15
25. 2217944	एन. पी. कनफैक्शनरी लि., 135 केवल ब्राह्मसिन्ध, बंगलौर-560032 ।	IS 1008 : 1981	92-02-29
26. 2225539	पारेख मेडोवेट प्रा. लि., 1196, अर्बन एस्टेट-1, जालन्धर-144022 ।	IS 1664 : 1981	92-03-31
27. 2225640	पारेख मेडोवेट लि., 1196, अर्बन एस्टेट-1, जालन्धर-144022 ।	IS 5672 : 1970	92-03-31

[सं. के. प्र. दि./13 : 14]

एन. श्रीनिवासन, अपर महाविदेशक

MINISTRY OF CIVIL SUPPLIES

Consumer Affairs and Public Distribution

(Bureau of Indian Standards)

New Delhi, the 25th August, 1992

S.O. 2693.—In pursuance of regulation (6) of Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, it is hereby notified that the Certification Marks Licences, details of which are mentioned in the following Schedule, have expired :

SCHEDULE

Sl. No.	Licence No.	Name of the licensee	Number of the relevant Indian Standard	Date of expiry
1	2	3	4	
1.	0245737	Western Rolling Mills Ltd., K. Parikh House 47, P.D. Mello Road Bombay-400 009.	IS 226 : 1975	92/03/31
2.	0245838	Western Rolling Mills Ltd., K. Parikh House 47, P.D. Mello Road, Bombay-400 009.	IS 1977 : 1975	92/03/31
3.	03 68854	Pratap Steels Ltd. 21/3, Mathura Road, Faridabad.	IS 6914 : 1978	92/01/31
4.	0428947	Ashok Metal Industries Tagore Road, Rajkot-360004.	IS 916 : 1975	92/04/15
5.	0846561	R.S. Tikla & Sons 102, Kamla Market, New Delhi-110002.	IS 2312 : 1967	92/03/15
6.	0937665	Precision Steel & Engineering Works B-44, Greater Kailash, New Delhi-110 048.	IS 280 : 1978	92/01/31
7.	1057034	Droli Mechanical Works, Majestic Road, Moga-142001.	IS 9020 : 1979	92/03/15
8.	1057135	Neelam Agricultural Industries, Majestic Road, Moga-142001.	IS 9020 : 1979	92/03/15
9.	1073840	Tubes & Bars 27, Industrial Area Opp. Diesel Shed Bhagat Ki Kothi Jodhpur-342 003.	IS 398 (Part-1) : 1976	91/08/31
10.	1147944	Concrete Fabricators Pvt. Ltd., Flat No. 201D, I-A, Shahmujaf Road, Lucknow-226001.	IS 458 : 1988	92/01/15
11.	1266851	Alankar Cable Industries Shalimar Indl. Area, Delhi-11033.	IS 1554 (Part-I) : 1988	92/01/15

1	2	3	4
12. 1301928	Ashok Metal Industries Tagore Road, Rajkot-360 004	IS 10325 : 1989	92/04/15
13. 1402025	Sachdeva Industries Pur Road Bilca Khurd, Bhilwara-311 001	IS 9020 : 1979	92/03/31
14. 1501936	Haryana Steels & Alloys Ltd. 48th KM. G.T. Road, Murthal, Sonapat	IS 6914:1978	92/01/31
15. 1562249	Eagle Tin Inds. P.C. Rayon Silk Mills G.I. Road, Amritsar-143115	IS 10325 : 1989	92/04/30
16. 1659365	Sri Laxmi Tin Industries Delhi Road, Hissar-125 004 (Haryana)	IS 10325 : 1989	92/02/29
17. 1791062	Electra Industries 108A, Parvati Indl. Estate Sun Mill Compound Lower Parel (W) Bombay-13.	IS 3854 : 1988	92/02/15
18. 1869982	Electra Industries 108 A, Parvati Indl. Estate, Sun Mill Compound Lower Parel (W) Bombay-13.	IS 1293 : 1988	92/02/15
19. 1893070	Okhla Chemicals Ltd. A-88, Okhla Industrial Area, Phase-II, New Delhi-110020.	IS 6793 : 1972	91/10/31
20. 1955167	Centrury Iron and Steels Ltd. Sherpur Road, Maler Kotla Distt Sangrur-148023	IS 6914 :1978	92/03/15
21. 2086046	Century Pumps (P) Ltd., 5-1-244, Hill Street, Secunderabad-500003.	IS 8034 : 1989	92/02/29
22. 2191043	Jammu Ispat Pvt. Ltd. Lane No. 2. Phase-II SIDCO Indl. Complex Bari Brahmaha Jammu.	IS 1161 : 1979	92/01/31
23. 2209541	Gujarat Co-op Oil Seeds Growers Federation Ltd. 284/I, GIDC Estate, Vapi (Gujarat)	IS 10325 : 1989	92/02/29

1	2	3	4
24. 2212934	Jindal Iron & Steel Co. Ltd. 5-A, G. Deshmukh Marg, Bombay-400026.	IS 6914 : 1978	92/03/15
25. 2217944	N.P. Confectionery Ltd., 135, Kaval Byrasandra Bangalore-560 032	IS 1008 : 1981	92/02/29
26. 2225539	Parkash Medivet Pvt. Ltd. 1196, Urban Estate-I Jalandhar -144022	IS 1664 : 1981	92/03/31
27. 2225640	Parkash Medivet Pvt. Ltd. 1196, Urban Estate-I Jalandhar-144022	IS 5672 : 1970	92/03/31

[No. CMD /13 : 14]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 21 सितम्बर, 1992

का. भा. 2694--भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची के स्तम्भ (2) और (3) में उल्लिखित उत्पादों से संबंधित जो मुहुरीकृत फीस अनुसूची के स्तम्भ (7) अथवा (8) में दर्शायी गयी हैं, और जिन्हें पहले भारत के राजपत्र, भाग 2, खंड 3, उपाखंड (2) में अधिसूचित किया गया था, उनमें अनुसूची के स्तम्भ (4), (5) और (6) के अनुसार संशोधन किया गया है:—

अनुसूची

क्र. सं.	उत्पाद	भारतीय मानक इकाई की संख्या तथा वर्ष	मुहुरांकन फीस की दर प्रति इकाई इकाइयों के लिए	भारत सरकार के राजपत्र अधिसूचना का संवर्ध	भारत के लागू होने की तिथि			
				जिसमें प्रांशिक रूप से अधिकमिन किया गया था प्रा. सं. और दि.	जिसे प्रांशिक रूप से संग्राहित किया गया था प्रा. सं. और दि.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. संरचना इस्पात (मानक किस्म)	आईएस : 226--1975	1 मट्रिक टन	2.00	सभी	2255 1989-08-11	--	1989-09-16	
2. जस्तीकृत इस्पात की खदवर (सादा और नालीदार)	आईएस : 277--1975	वही	2.00	सभी	वही	--	वही	
3. टेलीग्राफ और टेलीफोन हेतु जस्ती-कृत इस्पात तार	आईएस : 279--1981	वही	2.00	सभी	--वही	--	वही	
4. सामान्य इंजीनियरी प्रयोजनों हेतु मुटु इस्पात के तार	आई एस : 280--1978	वही	2.00	सभी	वही	--	वही	
5. मुटु इस्पात एवं मध्यम तलन इस्पात के सर्प	आईएस : 432 (पार्ट I)-- 1982	वही	2.00	सभी	वही	--	वही	
6. कठोर कवित इस्पात तार	आईएस : 432 (पार्ट II)-- 1982	वही	2.00	सभी	वही	--	वही	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7. अल्प बेल्जियन कार्बन इस्पात को बर्द्धकर	आईएम : 513--1986	1 मैट्रिक टन	2.00	सभी	2255	--	1989-08-16	
8. चुम्बकीय परिष्करण हेतु ताप प्रति-एन्टेड विद्युत प्रयोजनों हेतु इस्पात बर्द्धकर	आईएम : 648--1980	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
9. संरचना इस्पात (उच्चतनन)	आईएम : 961--1975	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
10. तप्त बेल्जियन इस्पात वर्तः (गाँठ बनाने के लिए)	आईएम : 1029--1970	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
11. अल्प बेल्जियन इस्पात बर्द्ध और पसी	आईएम : 1079--1988	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
12. अल्प बेल्जियन इस्पात रिबेट के सॉलिंग (50 मिमी तक व्यास) संरचना प्रयोजनों हेतु	आईएम : 1148--1982	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
13. संरचना प्रयोजनों हेतु उच्चतनन इस्पात के	आईएम : 1149--1982	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
14. कंक्रीट प्रबलन हेतु अल्प कार्बो-गरी बोले उच्च सामर्थ्य के विद्युत सॉलिंग	आईएम : 1786--1985	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
15. रस्सों के लिए गोल इस्पात तार	आईएम : 1835--1976	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
16. फोर्जिंग हेतु कार्बन इस्पात के ब्रिक्लेट, ब्लूम, स्लेब और सॉलिंग	आईएम : 1875--1978	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
17. संरचना इस्पात (साधारण किस्म)	आईएम : 1977--1975	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
18. अल्प बेल्जियन टिन प्लेट और अल्प बेल्जियन कार्बो प्लेट	आईएम : 1993--1982	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
19. बॉयलर हेतु इस्पात प्लेट	आईएम : 2002--1962	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
20. सामान्य इंजीनियरिंग प्रयोजनों हेतु कार्बन इस्पात के फोर्जिंग	आईएम : 2004--1978	"	2.00	सभी	1791	--	89-08-55	
21. संरचना इस्पात (गोल बेल्जियन किस्म)	आईएम : 2062--1984	"	2.00	सभी	2255	--	89-09-16	
22. मशीन के पेल उद्घाटन हेतु (अल्प हेरिंग प्रक्रम द्वारा) मुहु इस्पात को तार छड़	आईएम : 2255--1977	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
23. मिश्र के लिए अल्प बेल्जियन इस्पात पसी	आईएम : 2507--1975	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
24. संरचना इस्पात (मानक किस्म) में रि-रोलिंग हेतु कार्बन इस्पात के ब्रिक्लेट, ब्लूम और स्लेब	आईएम : 2830--1975	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
25. संरचना इस्पात (साधारण किस्म) में रि-रोलिंग हेतु कार्बन इस्पात के ब्रिक्लेट, ब्लूम और स्लेब	आईएम : 2831--1975	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
26. धातु आर्क बेल्जियन इलेक्ट्रोड तार हेतु मुहु इस्पात	आईएम : 2879--1975	"	2.00	सभी	बर्द्ध	--	बर्द्ध	
27. ओल्फ्ट और हेलीकल मिश्र (रेलगाड़ों के डिब्बे हेतु) के उत्पादन हेतु इस्पात	आईएम : 3145--1982	"	2.00	सभी	बर्द्ध	--	बर्द्ध	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
28. मोटर वाहन निर्माण हेतु बोल्ट, हैलीकॉप, मेमोनेटिड स्प्रिंग के उत्पादन हेतु इस्पात	आईएस : 3431-1982	1 मैट्रिक टन	2.00	सभी	2255	1989-08-11	1989-09-16	
29. इस्पात की चारखानोंदार प्लेट	आईएस : 3502-1981	"	2.00	सभी	— वही—	—	— वही—	
30. फर्निचर और प्रेमिंग हेतु इस्पात	आईएस : 3747-1982	"	2.00	सभी	— वही—	—	— वही—	
31. तन कार्यों हेतु औजार और हार्ड इस्पात	आईएस : 3748-1978	"	2.00	सभी	— वही—	—	— वही—	
32. अतल कार्यों हेतु औजार और हार्ड इस्पात	आईएस : 3749-1978	"	2.00	सभी	— वही—	—	— वही—	
33. मेमिनेटेड स्प्रिंग (रेलगाड़ी के डिब्बों हेतु) के उत्पादन हेतु इस्पात के प्लेट संयोजन	आईएस : 3885 (पार्ट-I) 1982	"	2.00	सभी	— वही—	—	— वही—	
34. मेमिनेटेड स्प्रिंग (रेलगाड़ी के डिब्बों हेतु) के उत्पादन हेतु रिब, यूब संयोजन	आईएस : 3885 (पार्ट-II) 1982	"	2.00	सभी	— वही—	—	— वही—	
35. ज्वाला और प्रेरण कबेरण इस्पात	आईएस : 3930-1979	"	2.00	सभी	— वही—	—	— वही—	
36. स्प्रिंग बाणर हेतु इस्पात	आईएस : 4072-1975	"	2.00	सभी	— वही—	—	— वही—	
37. कार्यालय स्टेपल पिन और क्लिप हेतु इस्पात तार	आईएस : 4224-1972	"	2.00	सभी	— वही—	—	— वही—	
38. फॉजिंग इजीनियरी कार्यों हेतु मिश्र इस्पात के बिलेट, ब्लूम, स्लेब	आईएस : 4368-1967		2.00	सभी	—	—	—	
39. बॉल, रोलर और बीयरिंग ग्रेड के लिए कार्बन-क्रोमियम	आईएस : 4398-1972	— वही—	2.00	सभी	2255	1989-08-11	— वही—	
40. कार्बन और कार्बन मेगनीश की कटिंग इस्पात	आईएस : 4431-1978	— वही—	2.00	सभी	— वही—	—	— वही—	
41. केम कठोरण इस्पात	आईएस : 4432-1988	— वही—	2.00	सभी	— वही—	—	— वही—	
42. पेटेटेड और अतल कृषि इस्पात तार अमिश्र धातु वाली	आईएस : 4454 (पार्ट-I) 1981	— वही—	2.00	सभी	— वही—	—	— वही—	
43. कठोरण और टेम्पिंग हेतु इस्पात	आईएस : 5517-1978	— वही—	2.00	सभी	— वही—	—	— वही—	
44. अतल बेल्डिड इस्पात पत्ती (बॉक्स स्ट्रेचिंग)	आईएस : 5872-1973	— वही—	2.00	सभी	— वही—	—	— वही—	
45. अतल फॉर्मिंग और फर्निचर प्रचालन हेतु तल बेल्डिड इस्पात प्लेट और प्लेटें	आईएस : 5986-1970	— वही—	2.00	सभी	— वही—	—	— वही—	
46. अल्युमिनियम मिश्रण के उत्पादन हेतु तल बेल्डिड इस्पात प्लेट (6 मिमी तक) चहुर और पत्ती	आईएस : 6240-1989	— वही—	2.00	सभी	— वही—	—	— वही—	
47. संरचना इस्पात मानक किस्म में बेल्डिड हेतु कार्बन इस्पात ठले बिलेट इंगट	आईएस : 6914-1978	— वही—	2.00	सभी	— वही—	—	— वही—	
48. संरचना इस्पात (माध्यम किस्म) मानक किस्म में बेल्डिड हेतु कार्बन इस्पात ठले बिलेट इंगट	आईएस : 6915-1978	— वही—	2.00	सभी	— वही—	—	— वही—	
49. कमकीले सरिए के उत्पादन हेतु तल बेल्डिड सरिए	आईएस : 7283-1974	— वही—	2.00	सभी	— वही—	—	—	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
50. सामान्य इंजीनियरी प्रयोजनों हेतु मृदु हस्तात की तार-छड़	आईएस : 7887-1975	मैट्रिक टन	2.00	सभी	-बही-	655	1989-04-08	1989-02-17
51. कार्बन हस्तात छड़	आईएस : 7904-1975	-बही-	2.00	सभी	- बही-	2229	1990-08-25	1990-08-01
52. मोटर वाहन मिलंबन हेतु बोल्सूट, हेलीवाल और लेमिनेटित स्प्रिंग के उत्पादन हेतु हस्तात के इंगट और बिलेट	आईएस : 8051-1976	-बही-	2.00	सभी	- बही-	—	1989-09-16	
53. (रेलगाड़ी हेतु) बोल्सूट और हेली-कल स्प्रिंग के उत्पादन हेतु हस्तात के इंगट और बिलेट	आईएस : 8052-1976	-बही-	2.00	सभी	- बही-	—	-बही-	
54. बेड पेंच के उत्पादन हेतु हस्तात के उत्पादन हेतु बिलेट और इंगट	आईएस : 8053-1976	-बही-	2.00	सभी	- बही-	—	-बही-	
55. (रेलगाड़ी हेतु) लेमिनेटित स्प्रिंग के उत्पादन के लिए हस्तात के इंगट और बिलेट	आईएस : 8054-1976	-बही-	2.00	सभी	- बही-	—	—	
56. स्प्रिंग वाशर के उत्पादन के लिए हस्तात के इंगट और बिलेट	आईएस : 8055-1976	-बही-	2.00	सभी	- बही-	—	-बही-	
57. अपहोलस्ट्री स्प्रिंग हेतु कठोर कवित हस्तात तार के उत्पादन हेतु हस्तात के इंगट और बिलेट	आईएस : 8056-1976	-बही-	2.00	सभी	2255	—	1989-09-16	1989-08-11
58. सभी पेंच के उत्पादन हेतु तार-छड़ के उत्पादन के लिए हस्तात के इंगट और बिलेट (अल्पतः हैबिंग प्रक्रम द्वारा)	आईएस : 8057-1976	-बही-	2.00	सभी	-बही-	—	-बही-	
59. वैश्वनीय संरचना हस्तात (मध्यम और उच्च गुणवत्ता सामर्थ्य)	आईएस : 8500-1977	-बही-	2.00	सभी	-बही-	—	-बही-	
60. फॉर्जित सीटीसी रबड़	आईएस : 8748-1975	-बही-	2.00	सभी	1500	—	1981-05-16	1981-04-24
61. कार्बन हस्तात की तार छड़ के उत्पादन हेतु हस्तात के इंगट और बिलेट	आईएस : 8751-1978	-बही-	2.00	सभी	2255	—	1989-09-16	1989-08-11
62. धमकीले सरिए	आईएस : 9550-1980	-बही-	2.00	सभी	-बही-	—	-बही-	
63. बेल्जित ट्यूब और पाइप के लिए तप्त बेल्जित स्कोल्/पसी	आईएस : 10748-1984	-बही-	2.00	सभी	-बही-	—	-बही-	
64. घल्य बाब इवणीय नैस सिंक्रिबर के उत्पादन के लिए तप्त बेल्जित सूक्ष्म मिश्र हस्तात प्लेट, चक्र और पसी	आईएस : 10787-1984	-बही-	2.00	सभी	-बही-	—	-बही-	
65. घल्यत बेल्जित प्रयोजनों हेतु तप्त बेल्जित कार्बन हस्तात पसी	आईएस : 11513-1985	-बही-	2.00	सभी	1540	—	1990-06-02	1990-05-11

[सं. के. प्रे. वि./13:10]

एन. श्रीनिवासन, अपर महा निदेशक

New Delhi, the 21st September, 1992

S.O. 2694.—The Bureau of Indian Standards, hereby notifies that the marking fees as notified earlier in Part-II, Section-3, Sub-Section (ii) of the Gazette of India, shown in Col. 7 or 8 of the Schedule given here under, in respect of the various products shown under col. 2 and 3 of the same Schedule have been revised as mentioned in Col. 4, 5 and 6 thereof with effect from 1991-10-01:

SCHEDULE

Sl. No.	Product	IS : No. and Year	Unit	Marking fee Per Unit Rs. P.	Rate For Unit	Reference of Govt. of India, Gazette Notification Superseded S.O. No. and Date	Partially Modified S.O. No. and Date	Date of Issue of Gazette of India
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Structural steel (standard quality)	IS : 226—1975	1 Metric Tonne	2.00	All	2255 1989-08-11	—	1989-09-16
2.	Galvanized steel sheets (Plain and corrugated)	IS : 227—1985	-do-	2.00	All	-do-	—	-do-
3.	Galvanized steel wire for telegraph and telephone purposes	IS : 279—1981	-do-	2.00	All	-do-	—	-do-
4.	Mild steel wire for general engineering purposes.	IS : 280—1978	-do-	2.00	All		—	
5.	Mild steel and medium tensile steel bars.	IS : 432 (Part I) 1982	-do-	2.00	All	-do-	—	-do-
6.	Hard drawn steel wire	IS : 432 (Part II)—1982	-do-	2.00	All	-do-	—	-do-
7.	Cold rolled carbon steel sheets	IS : 513—1986	-do-	2.00	All	-do-	—	-do-
8.	Non-oriented electrical steel sheets for magnetic circuits	IS : 648—1980	-do-	2.00	All	-do-	—	-do-
9.	Structural steel (High tensile)	IS : 961—1975	-do-	2.00	All	-do-	—	-do-
10.	Hot rolled steel strips (Baling)	IS : 1029—1970	-do-	2.00	All	-do-	—	-do-
11.	Hot rolled carbon steel sheet and strip	IS : 1079—1988	-do-	2.00	All	-do-	—	-do-
12.	Hot rolled steel rivet bars (Up to 40mm diameter) for structural purposes	IS : 1148—1982	-do-	2.00	All	-do-	—	-do-
13.	High tensile steel rivet bars for structural purposes	IS : 1149—1982	-do-	2.00	All	-do-	—	-do-
14.	Cold-worked steel high strength deformed bars for concrete reinforcement	IS : 1786—1985	-do-	2.00	All	-do-	—	-do-
15.	Round steel wire for ropes	IS : 1835—1976	-do-	2.00	All	-do-	—	-do-
16.	Carbon steel billets, blooms, slabs and bars for forging	IS : 1875—1978	-do-	2.00	All	-do-	—	-do-
17.	Structural steel (Ordinary Quality)	IS : 1977—1975	-do-	2.00	All	-do-	—	-do-
18.	Cold reduced tinplate and cold-reduced black-plate	IS : 1993—1982	-do-	2.00	All	-do-	—	-do-

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
19.	Steel plates for boilers	IS : 2002—1962	One Metric Tonne	2.00	All	2255 1989-08-11	—	1989-09-16
20.	Carbon steel forgings for general engineering purposes	IS : 2004—1978	-do-	2.00	All	1791 1989-05-30	—	1989-08-05
21.	Structural steel (Fusion welded quality)	IS : 2062—1984	-do-	2.00	All	-do-	—	1989-09-16
22.	Mild steel wire rod for the manufacture of machine screws (By cold heading process)	IS : 2255—1977	-do-	2.00	All	-do-	—	-do-
23.	Cold rolled steel strips for springs	IS : 2507—1975	-do-	2.00	All	-do-	—	-do-
24.	Carbon steel billets blooms and slabs for re-rolling into structural steel (Standard Quality)	IS : 2830—1975	-do-	2.00	All	-do-	—	-do-
25.	Carbon steel billets blooms and slabs for re-rolling into structural steel (Ordinary Quality)	IS : 2831—1975	-do-	2.00	All	-do-	—	-do-
26.	Mild steel for metal arc welding electrode core wire.	IS : 2879—1975	-do-	2.00	All	-do-	—	-do-
27.	Steel for the manufacture of volute and helical springs (For railway rolling stock)	IS : 3195—1982	-do-	2.00	All	-do-	—	-do-
28.	Steel for manufacture of volute, helical and laminated springs for automotive suspension	IS : 3431—1982	-do-	2.00	All	-do-	—	-do-
29.	Steel choquered plates	IS : 3502—1981	-do-	2.00	All	-do-	—	-do-
30.	Steel for flanging and pressing	IS : 3747—1982	-do-	2.00	All	-do-	—	-do-
31.	Tool and die steels for hot work	IS : 3748—1978	-do-	2.00	All	-do-	—	-do-
32.	Tool and die steels for cold work	IS : 3749—1978	-do-	2.00	All	-do-	—	-do-
33.	Steel for the manufacture of laminated springs (Railway Rolling Stock) flat sections	IS : 3885 (Part I)—1977	-do-	2.00	All	-do-	—	-do-
34.	Steel for the manufacture of laminated springs (Railway rolling stock) Rib and Groove Sections	IS : 3085 (Part II)—1982	-do-	2.00	All	-do-	—	-do-
35.	Flame and induction hardening steels	IS : 3930—1979	-do-	2.00	All	-do-	—	-do-
36.	Steel for spring washers	IS : 4072—1975	-do-	2.00	All	-do-	—	-do-
37.	Steel wire for office staples, pins and clips	IS : 4224—1972	-do-	2.00	All	-do-	—	-do-
38.	Alloy steel billets, blooms and slabs for forgings engineering purposes	IS : 4368—1967	-do-	2.00	All	-do-	—	—
39.	Carbon-chromium steel for the manufacture of balls, rollers and bearing races.	IS : 4398—1972	-do-	2.00	All	-do-	—	-do-

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
40. Carbon and carbon-manganese free-cutting steel	IS : 4431	1978	One Metric Tonne	2.00	All	2255 1989-08-11	—	1989-09-16
41. Case hardening steels	IS : 4432	1988	-do-	2.00	All	-do-	—	-do-
42. Patented and cold drawn steel wire-unalloyed	IS : 4454 (Part I)	1981	-do-	2.00	All	-do-	—	-do-
43. Steels for hardening and tempering	IS : 5517	1978	-do-	2.00	All	-do-		-do-
44. Cold rolled steel strips (Box Strappings)	IS : 5872	1973	-do-	2.00	All	-do-	—	-do-
45. Hot-rolled steel plate and flats for cold-forming and flanging operations	IS : 5986	1970	-do-	2.00	All	-do-	—	-do-
46. Hot-rolled steel plate (Up to 6 mm) sheets and strips for the manufacture of low pressure gas cylinders.	IS : 6240	1989	-do-	2.00	All	-do-	—	-do-
47. Carbon steel cast billet ingots for rolling into structural steel (Standard Quality)	IS : 6914	1978	-do-	2.00	All	-do-	—	-do-
48. Carbon steel cast billet ingots for rolling into structural steel (Ordinary Quality)	IS : 6915	1978	-do-	2.00	All	-do-	—	-do-
49. Hot-rolled bars for production of bright bars	IS : 7283	1974	-do-	2.00	All	-do-		-do-
50. Mild steel wire rods for general engineering purposes.	IS : 7837	1975	-do-	2.00	All	-do-	655 1989-02-17	1989-04-08
51. Carbon steel wire rods	IS : 7904	1975	-do-	2.00	All	—	2229 1990-08-01	1990-09-25
52. Steel ingots and billets for the production of volute, helical and laminated springs for automotive suspension.	IS : 8051	1976	-do-	2.00	All	2255 1989-08-11	—	1989-09-16
53. Steel ingots and billets for the production of volute and helical springs (For Railway Rolling Stock).	IS : 8052	1976	-do-	2.00	All	-do-	—	-do-
54. Steel ingots and billets for the production of steel wire for the manufacture of wood screws.	IS : 8053	1976	-do-	2.00	All	-do-	—	-do-
55. Steel ingots and billets for the production of laminated springs (Railway Rolling Stock)	IS : 8054	1976	-do-	2.00	All	-do-	—	-do-
56. Steel ingots and billets for the production of spring washers	IS : 8055	1976	-do-	2.00	All	-do-	—	-do-
57. Steel ingots and billets for the production of hard-drawn steel wire for upholstery springs	IS : 8056	1976	-do-	2.00	All	-do-	—	-do-

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
58. Steel ingots and billets for the production of wire rod for the manufacture of machine screws (By cold heading process)	IS : 8057—1976	One Metric Tonn	2.00	All	2255 1989 08 11	—	1989 09 16	
59. Weldable structural steel (Medium and High Strength Quality)	IS : 8500—1977	-do-	2.00	All	-do-	—	-do-	
60. Forged CTC Segments	IS : 8748 —1975	-do-	2.00	All	1500 1981 04 24	—	1981 05 16	
61. Steel ingots and billets for production of carbon steel wire rods	IS : 8751—1978	-do-	2.00	All	2255 1989 08 11	—	1989 09 16	
62. Bright Bars	IS : 9550 —1980	-do-	2.00	All	-do-	—	-do-	
63. Hot-rolled skelp/strip for welded tubes and pipes	IS : 10748—1984	-do-	2.00	All	-do-	—	-do-	
64. Hot-rolled micro-alloyed steel plate, sheet and strip for the manufacture of low pressure liquefiable gas cylinders	IS : 10787 —1984	-do-	2.00	All	-do-	—	-do-	
65. Hot rolled carbon steel strip for cold rolling purposes	IS : 11513 —1985	-do-	2.00	All	1540 1990 05 01	—	1990 06 02	

[No. CMD/13 : 10]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 21 सितम्बर, 1992

का.मा. 2695 ---भारतीय मानक ब्यूरो एन.ई. द्वारा अधिसूचित करता है कि नीचे अनुसूची के स्तम्भ (2) और (3) में उल्लिखित उत्पादों से संबंधित या मूद्रांकन फीस अनुसूची के स्तम्भ (7) में अथवा (8) में दर्शाया गया है, और जिन्हें पहले भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2) में अधिसूचित किया गया है, उनमें अनुसूची के स्तम्भ (4), (5) और (6) के अनुसार संशोधन किया गया है।

अनुसूची

क्रम सं.	उत्पाद	भारतीय मानक की संख्या तथा वर्ष	इकाई	मुद्रांकन फीस की दर प्रति इकाई	इकाइयों के लिए	भारत सरकार के राजपत्र अधिसूचना का संदर्भ	भारत के राजपत्र अधिसूचना जारी होने की तारीख	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	खसियों के लिए स्क्व के भूराक्षा बूट	आईएस : 3976-1982	एक जोड़ा	0.25	सभी	—	4199 1983-10-26	83-11-19 92-07-15
2.	केश तेल	आईएस : 7123-1984	100 लिटर	2.00	सभी	—	498 1991-0 17	1991-02-16 1992-09-01

[सं. के.प्र.वि/13 : 10]

एन. श्रीनिवासन, उपर महानिदेशक

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

BUREAU OF INDIAN STANDARDS

New Delhi, the 21st September, 1992

S.O. 2695.—The Bureau of Indian Standards, hereby notifies that the marking fees as notified earlier in Part-II, Section-3, Sub-section (ii) of the Gazette of India, shown in Col. 7 or 8 of the Schedule given hereunder, in respect of various products shown under Col. 2 and 3 of the same Schedule have been revised as mentioned in Col. 4, 5 and 6 thereof.

SCHEDULE

Sl. Product No.	IS : No. & Year	Unit	Marking Fee Rate		Reference of Govt. of India, Gazette Notification Partially Superseded Modified S.O. No. and Date	Date of Issue of Gazette of India	Date of effect
			Per Unit	For Unit			
1. Safety rubber canvas boots for minors	IS : 3976—1982	1 Pair	0.25	All	—	4199 1983-10-26	1992-07-15
2. Hair Oils	IS : 7123—1984	100 Litres	2.00	All	—	498 1991-01-17	1992-09-01

[No. CMD/13 : 10]

N. SRINIVASAN, Addl. Director General

उद्योग मंत्रालय

(लघु उद्योग एवं कृषि और ग्रामीण उद्योग विभाग)

नई दिल्ली, 28 सितम्बर, 1992

का.आ. 2698 :—कार्मिक और प्रशिक्षण विभाग के ता. 9 जनवरी, 1992 के का.आ. सं. 27(34)ई. ओ./92 (एम एम) के अनुपालन में कयर बोर्ड के अध्यक्ष श्री आर. बी. पाठक, आई. ए. एस. (केरल 64) का कार्यकाल पूरा हो जाने पर, उन्हें 21 सितम्बर, 1992 (पूर्वाह्न) से उनके मूल संबंध में वापिस भेजा जाता है।

[फा. सं. 2(13)/91-कयर]

एस. बी. मोहापात्र, संयुक्त सचिव

MINISTRY OF INDUSTRY

(Department of Small Scale Industries & Agro and Rural Industries)

New Delhi, the 28th September, 1992

S.O. 2696.—In pursuance of Department of Personnel & Training's O.M. No. 27(34)-EO/92(SM), dated the 9th January, 1992, Shri R. B. Pathak, IAS (Kerala : 64), Chairman, Coir Board on expiry of his tenure is reverted to his parent cadre with effect from 21st September, 1992 (Fore Noon).

[File No. 2(13)/91-Coir]

S. B. MOHAPATRA, Jt. Secy.

पर्यावरण और वन मंत्रालय

(जीव-वन्य I अनुभाग)

नई दिल्ली, 29 सितम्बर, 1992

का.आ. 2697.—श्री ए.सी. डे, अपर वन सहायक (वन्यजीव) की नियुक्ति के परिणामस्वरूप वन्यजीव (सुरक्षा) अधिनियम, 1972 की धारा 3(1) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार उन्हें एनवडीआ अगले आवेगों तक निदेशक, वन्यजीव (परिरक्षण नियुक्त करती है।

[फा. सं. 2-16/91-वन्यजीव-I]

एस.एस. हसूरकर, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS
(Wildlife-I Section)

New Delhi, the 29th September, 1992

S.O. 2697.—Consequent upon appointment of Shri S. C. Dey, Addl. Inspector General of Forest (WL), the Central Government in exercise of powers under Section 3(1) of the Wildlife (Protection) Act, 1972, hereby appoints him as Director, Wildlife (Preservation), till further orders.

[F. No. 2-16/91 WL-I]

S. S. HASURKAR, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 24 सितम्बर, 1992

का.आ. 2698.—केंद्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है अर्थात्:-

उक्त अनुसूची में:-

- (1) "गोवा विश्वविद्यालय" शीर्षक के नीचे की प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएंगी, यथा:-
- | | |
|----------------------------------|---|
| मास्टर आफ सर्जरी | एम. एस. (सा. श. वि.) |
| (सामान्य अल्प विज्ञान) | (1 अगस्त, 1989 को या इसके पश्चात् प्रदान की गई) |
| डाक्टर आफ मेडिसिन | एम. डी. (एनेस्थी.) |
| (एनेस्थीसियोलॉजी) | (1 फरवरी, 1990 को या इसके पश्चात् प्रदान की गई) |
| डाक्टर आफ मेडिसिन | एम. डी. (वि. वि.) |
| (विकृति विज्ञान) | (1 फरवरी, 1990 को या इसके पश्चात् प्रदान की गई) |
| मास्टर आफ सर्जरी (पार्योपेडिक्स) | एम. एस. (पार्यो.) |
| | (1 अगस्त, 1989 को या इसके पश्चात् प्रदान की गई) |

डाक्टर ऑफ मेडिसिन (सामान्य आयुर्विज्ञान)	एम. डी. (सा. भा.) (1 अगस्त, 1989 को या इसके पश्चात् प्रदान की गई)	Doctor of Medicine (General Medicine) ... M.D. (Gen. Med.) (Granted on or after 1st August, 1989)
डाक्टर ऑफ मेडिसिन (बाल चिकित्सा विज्ञान)	एम. डी. (बो. चि. वि.) (1 फरवरी, 1990 को या इसके पश्चात् प्रदान की गई)"	Doctor of Medicine (Paediatrics) (Granted on or after 1st February, 1990)"
(2) "रवि शंकर विश्वविद्यालय" शोध के लक्ष्य का प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएँगी, "डिप्लोमा इन आर्थोपेडिक्स	डॉ. आर्थो. (1 जुलाई, 1980 को या इसके पश्चात् प्रदान की गई)	(2) under the heading "Ravishankar University", after the entries, the following entries shall be inserted, namely :— "Diploma in Orthopaedics ... D. Ortho. (Granted on or after 1st July, 1980)
मास्टर ऑफ सर्जरी (आर्थोपेडिक्स)	एम. एस. (आर्थो.) (1 जुलाई, 1982 को या इसके पश्चात् प्रदान की गई)"	Master of Surgery (Orthopaedics) ... M.S. (Ortho.) (Granted on or after 1st July, 1982)"
(3) "दक्षिण गुजरात विश्वविद्यालय" शोध के लक्ष्य का प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएँगी. अर्थात्:— "मास्टर ऑफ सर्जरी (नेत्र विज्ञान)	एम. एस. (ने. वि.) (1 मार्च, 1986 को या इसके पश्चात् प्रदान की गई)	(3) under the heading "South Gujarat University", after the entries, the following entries shall be inserted, namely :— "Master of Surgery (Ophthalmology) ... M.S. (Optho.) (Granted on or after 1st March, 1986)
डिप्लोमा इन आकस्मिकमोलजी	डॉ. ओ. (1 दिसम्बर, 1984 को या इसके पश्चात् प्रदान की गई)"	Diploma in Ophthalmology ... D.O. (Granted on or after 1st December, 1984)"

इस अधिसूचना में उल्लिखित विश्वविद्यालयों द्वारा दो गई जाकिस्मा अर्हताएँ सब मान्यताप्राप्त चिकित्सा अर्हताएँ होंगी जब ये प्रत्येक के मामले उल्लिखित तारोख को या इसके पश्चात् प्रदान की जाती हैं।

[सं. वी-11015/31/92-एम. ई. (पू.व.)
आर. विजयकुमारे, हेल्थ अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 24th September, 1992

S.O. 2698.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India hereby makes the following further amendment in the First Schedule to the said Act, namely :—

In the said Schedule, (1) under the heading "Goa University", after the entries, the following entries shall be inserted, namely :—

"Master of Surgery (General Surgery) ... M.S. (Gen. Surg.) (Granted on or after 1st August, 1989)	
Doctor of Medicine (Anaesthesiology) ... M.D. (Anaes.) (Granted on or after 1st February, 1990)	
Doctor of Medicine (Pathology) ... M.D. (Pathology) (Granted on or after 1st February, 1990)	
Master of Surgery (Orthopaedics) ... M.S. (Ortho.) (Granted on or after 1st August, 1989)	

नई दिल्ली, 24 सितम्बर, 1992

का. भा. 2699:—केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद अधिनियम 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद में परामर्श करने के पश्चात्, उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित संशोधन करती है, अर्थात् :—

द्वितीय अनुसूची में, "आन्ध्र प्रदेश" शीर्षक के नीचे क्रम सं. 34 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित अंतःस्थापित किया जाएगा :

"34 श्री वेंकटेश्वर विश्वविद्यालय, तिरुपति	बैचलर ऑफ मेडिसिन एम बी एस (एच) 1989 एंड सर्जरी इन होम्यो- पैथी	मे
	बैचलर ऑफ होम्यो- पैथिक मेडिसिन एंड सर्जरी	(बी.एच.एम.एच.) 1990 मे

[सं. वी. - 27021/11/85 - होमियो]
आर. के. मुखी, निदेशक

पाठ टिप्पण : मूल अधिसूचना का. भा. स. 76 तारीख 20 दिसम्बर, 1973 द्वारा भारत के राजपत्र भाग 2 खण्ड 1 में अधिसूचित की गई थी।

New Delhi, the 24th September, 1992

S.O. 2669.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government, after consulting the Central Council of Homoeopathy, hereby makes the following amendment in the Second Schedule to the said Act, namely:—

In the Second Schedule, under the heading "ANDHRA PRADESH" after Serial Number 3C and entries relating thereto, the following shall be inserted, namely:—

"3D. Sri Venkateswara University, Thirupati)	Bachelor of Medicine and Surgery in Homoeopathy Bachelor of Homoeopathic Medicine & Surgery	MBS (H) from 1989 onwards, B.H.M.S. From 1990 onwards"
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[No. V.27021/11/85-Homoeo]

R.K. MUKHI, Director

Foot Note: The Principal Notification was notified in the Gazette of India Part 2, Section 1, vide S.O. No. 75 dated the 20th December, 1973.

नई दिल्ली, 2 सितम्बर, 1992

(ओरंगाबाद) डा. अरुण भास्मे के स्थान पर निम्नलिखित रखा जाएगा
अर्थात्:—

(1)

(2)

डा. जी. टी. सांगले
शकुधर—केहल, ताणुक—जिन्तूर,
जिना परभनी
(महाराष्ट्र)

[सं. वी. 26018/15/87—होमियो (सो. सो. एच.)]
राज किशोर सुधी, निदेशक, (भा. वि. प.)

पाठ टिप्पण: मूल अधिसूचना सं. का. प्रा. 482 (अ) तारीख 6 अगस्त, 1974 द्वारा जारी की गई थी तथा अधिसूचना सं. वी. 26018/15/87—होमियो सो. सो. एच. (ii) तारीख 29 अगस्त, 1990 द्वारा उसमें आद में संशोधन किया गया था।

का. प्रा. 2700.—होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण से नीचे दी गई मांगी के स्तंभ (1) में उल्लिखित व्यक्ति को स्तंभ (2) में उल्लिखित विश्वविद्यालय में निर्वाचित किया गया है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वास्थ्य और परिवार नियोजन मंत्रालय, स्वास्थ्य विभाग की अधिसूचना सं. का. प्रा. 482 (अ), तारीख 6 अगस्त, 1974 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के अधीन क्रम सं. 8 मराठवाड़ा विश्वविद्यालय

New Delhi, the 25th September, 1992

S.O. 2700.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the person mentioned in column (1) of the Table below has been elected from the University mentioned in column (2).

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Planning, Department of Health No. S.O. 482 (F) dated the 6th August, 1974, namely:—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of Section 3" for Sl. No. "8. Dr. Arun Bhasme from Marathwada University (Aurangabad)", the following shall be substituted, namely:—

(1)	(2)
8. Dr.G.T. Sangle, At Post, Kehal, TQ : Jintoor Distt: Parbhani (Maharashtra)	Marathwada University

[No. V-26018/15/87-Homoeo (CCH)]

R.K. MUKHI, Director (ISM)

Foot Note: The original notification was issued vide No. S.O. 432(E) dated the 6th August, 1974, and subsequently amended by Notification No. V.26018/15/87-Homoeo(CCH) (ii) dated 29th August 1990.

2482 G/97—1

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 26 अगस्त, 1992

का. प्रा. 2701.—चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) के बॉर्डर-5 के उप बॉर्डर (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस मंत्रालय के दिनांक 30-9-91 की अधिसूचना (1) संख्या 809/3/91-एफ. (सी) और दिनांक 24-8-92 की अधिसूचना (2) संख्या 809/1/92-एफ. (सी) के अनुक्रम में कोष्ठ सरकार निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के बम्बई सलाहकार पैनल के सदस्य के रूप में तत्काल प्रभाव से प्रगते आदेश होते तक नियुक्त करती है :—

1. श्री बी. गोपालकृष्णन नायर
2. डा. (श्रीमती) सुधीलारानी पटेल
3. श्री प्रेम कुमार जी बजाज
4. श्री रमेश बी. घग्गल
5. श्री कृपा शंकर सिंह
6. श्री विनय कुमार सिन्हा
7. सुश्री अमृता वरवराजन
8. श्री सुधीर शामले
9. श्रीमती ललित मुरली कामत
10. श्री अजीत सराफ
11. श्री राजा सुब्रमणियम
12. श्री बाला गिरी
13. श्री अमरजीत सिंह मनहास
14. सुश्री कीर्ति शामंत
15. श्री किशोर जोशी
16. श्री कीर्ति धाल सिन्धी
17. श्री रोहित बाल बोहरा
18. श्री अमरीश खेट्टी
19. श्री यू. एस. व्यास
20. श्री ब्रिजराज मुगाराव पवार
21. श्रीमती जेलमा लजारीस
22. श्रीमती उत्का विजय शिरड आवडे
23. श्री कृष्ण कान्त मंगललाल भुवनबाला
24. श्री हेमराज शाह
25. श्री बी. जे. खिबेरी
26. श्री दिनकर चौधरी

[का. सं. 809/1/92 - एफ. (सी)]

एम. लक्ष्मीनारायणन, संयुक्त सचिव

केन्द्रीय फिल्म प्रमाणन बोर्ड की बम्बई सलाहकार पैनल के सदस्यों के रूप में नियुक्त व्यक्तियों की सूची

1. श्री बी. गोपालकृष्णन नायर,
फ्लैट नं. 802 सीकिंग अपार्टमेंट,
एच. के. मासा रोड, बांद्रा,
बम्बई।
2. डा. (श्रीमती) सुधीलारानी पटेल,
"गिरनार", पाली हिल, बांद्रा,
बम्बई - 400030

श्री प्रेम कुमार जी बजाज,
सबम्ब,
मुम्बई मिडलान व्यवसाय महाकारी मंडल,
बम्बई।

4. श्री रमेश बी. घग्गल,
शिव सदन, 228, एस. बी. रोड,
बांद्रा, बम्बई।
5. श्री कृपाशंकर सिंह,
"राम भरोसे निवास",
जवाहर नगर, खार (पूर्वी),
बम्बई।
6. श्री विनय कुमार सिन्हा,
203, प्लान्ट अपार्टमेंट्स,
जी. बी. जुकार रोड, जुह,
बम्बई।
7. सुश्री अमृता वरवराजन,
13 एस, "विलवत्ता",
महाधि कारवे रोड, गोरेगांव,
बम्बई - 400004
8. श्री सुधीर शामले,
171, सजिगिरि साघा,
गोरेगांव, बम्बई - 400004
9. श्रीमती ललित मुरली कामत,
तीमरा तल, फाफ लिफिंग रोड,
खार, बम्बई - 400052
10. श्री अशीष सराफ,
उताप्पल,
फैरो एलीयस कांफोरेसन लि.,
छठा तल, बकसलाबा, सारीमन प्लांट,
बम्बई - 400021
11. श्री राजा सुब्रमणियम,
बैकुंठ कांफोरेसन, हाऊसिंग सोसायटी,
मिधी कैम्प - चैम्बर, बम्बई।
12. श्री बाला गिरी,
बीधा तल, सविता बिल्डिंग, पेस्टन संगर,
बम्बूर, बम्बई।
13. श्री अमरजीत सिंह मानस,
मानस मंजन, सी. एस. टी. रोड, कलीना,
शांताकुज, बम्बई।
14. कु. कीर्ति शामंत,
श्रीसिना बिल्डिंग, शिवाजी पार्क,
बम्बई।
15. श्री किशोर जोशी,
मार्फत जी. कामत, फ्लैट नं. 12,
दूमरा तल, नाटू मंगल, बॉर्डर हाऊस रोड,
कोलाबा, बम्बई - 400005
16. श्री कानिलास सिन्धी,
[श्री कृष्ण लि.]
344, मोलाना आजाद रोड, बम्बई।

17. श्री रोहित बाल वोहरा,
मार्फत श्री परमजीत सिंह,
401-सी-ब्लू हैबुन, रबेला रोड,
माऊंट मेरी स्टेम, बांद्रा (प.)
बम्बई - 400025
18. श्री जगदीश सेठो,
221/5916 पंत गतगर (प्र.ई. डी. बी. प्र.ई. प्लैट)
घाटकोपर (पूर्वी) बम्बई - 400025
19. श्री यू. एम. व्यास
सी - 3, 3/4 प्रगति विहार, गोरेगांव (पश्चिमी)
बम्बई।
20. श्री गोविन्द राव गुगाराव पवार,
3ए सेठो कमण्डक, नजदीक घमिता होटल,
143 अश्वेरी कुरुला, अश्वेरी (पूर्वी)
बम्बई - 93
21. श्रीमती जेल्मा लजाबीस,
मैडमार्क, 174 कंटेन रोड, बांद्रा,
बम्बई - 50
22. श्रीमती उष्मा विजय शरीक भवधे,
13. गन्दा भवन, निवास रोड
मनस्वत कालोनी, सांताक्रुज (पश्चिमी),
बम्बई - 400056
23. श्री कृष्ण कान्त मंगल लाल मुखनवाला,
8-बी, सुरेश कालोनी, एस. बी. रोड,
विजे पार्ले (प.) बम्बई - 400056
24. श्री हेमराज शाह,
41, कारेल बाड़ी, ठाकुरद्वार,
बम्बई - 400002
25. श्री बी. जे. त्रिवेदी,
बिल्डु विल्ला, मधुरा दास रोड, कांडोवली (पश्चिमी)
बम्बई - 400067
26. श्री दिनकर चौधरी,
सपनाश्रमि कॉ. प्रो. गृहाऊसिंह सोसायटी लि.,
बिल्डिंग 7-बी, प्लैट नं. 183,
डी. एन. नगर, अश्वेरी (पश्चिमी),
बम्बई - 400058

9. Smt. Lalit Murali Kamat
10. Shri Ashish Saraf
11. Shri Raja Subramaniam
12. Shri Bala Giri
13. Shri Amarjit Singh Manhas
14. Ms. Kirti Samant
15. Shri Kishore Joshi
16. Shri Kantilal Singhee
17. Shri Rohit Bal Vohra
18. Shri Jagdish Shetty
19. Shri U.M. Vyas
20. Shri Govind Rao Gugarao Pawar
21. Smt. Zelma Lazaraus
22. Smt. Ulka Vijay Shrikli Awde
23. Shri Krishna Kant Maganlal Bhukhanvala
24. Shri Hemraj Shah
25. Shri B. J. Trivedi
26. Shri Dinkar Chowdhary

[File No. 809/1/92-F(C)]

S. LAKSHMI NARAYANAN, Jt. Secy.

LIST OF PERSONS APPOINTED AS MEMBERS OF THE
BOMBAY ADVISORY PANEL OF THE
CENTRAL BOARD OF FILM CERTIFICATION

1. Shri V. Gopalakrishnan Nair,
Flat No. 802, Seaking Apartments,
H. K. Bhabha Road, Bandra,
Bombay.
2. Dr. (Smt.) Sushilarani Patel,
"GIRNAR", Pali Hill, Bandra,
Bombay-400050.
3. Shri Prem Kumar G. Bajaj,
Member,
Mumbai Mistan Vyawasayi Sahakari Mandal,
Bombay.
4. Shri Ramesh B. Aggarwal,
Shiv Sadan, 228, S. V. Road,
Bandra, Bombay.
5. Shri Kripashankar Singh,
"Ram Bharose Niwas",
Jawahar Nagar, Khar (E),
Bombay.
6. Shri Vinay Kumar Sinha,
203, Bhanu Apartments,
G. B. Jukar Road, Juhu,
Bombay.
7. Ms. Amrutha Varadarajan,
13 S, 'Dilwara',
Maharishi Karve Road,
Goregaon, Bombay-400004.
8. Shri Sudhir Damle,
171, Sanzgiri Sada,
Goregaon, Bombay-400004.
9. Smt. Lalit Murali Kamat,
3rd Floor, Off Linking Road,
Khar, Bombay-400052.
10. Shri Ashish Saraf,
Vice President,
Ferro Alloys Corpn. Ltd.,
6th Floor, Bakhtawar,
Nariman Point, Bombay-400021.
11. Shri Raja Subramaniam,
Vaikunth Coop. Housing Society,
Sindhi Camp—Chembur,
Bombay.
12. Shri Bala Giri,
4th Floor, Savitha Bldg.,
Peston Sangar, Chembur,
Bombay.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 26th August, 1992

S.O. 2701.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's Notifications (i) No. 809/3/91-F(C) dated 30-9-91 and (ii) No. 809/1/92-F(C) dated 24-8-92, the Central Government is pleased to appoint the following persons as members of the Bombay advisory panel of the Central Board of Film Certification with immediate effect and until further orders :—

1. Shri V. Gopalakrishnan Nair
2. Dr. (Smt.) Sushilarani Patel
3. Shri Prem Kumar G. Bajaj
4. Shri Ramesh B. Aggarwal
5. Shri Kripashankar Singh
6. Shri Vinay Kumar Sinha
7. Ms. Amrutha Varadarajan
8. Shri Sudhir Damle

13. Shri Amarjit Singh Manhas,
Manhas Mansion,
CST Road—Kalina,
Santacruz, Bombay.
14. Miss Kerti Samant,
Oena Building,
Sulvaji Park, Bombay.
15. Shri Kishore Joshi,
C/o G. Kamat, Flat No. 12,
2nd Floor, Naju Mansion,
Wodehouse Road, Colaba,
Bombay-400005.
16. Shri Kantilal Singhee,
Suce Foods Ltd.,
544, Maulana Azad Road,
Bombay.
17. Shri Rohit Bal Vohra,
C/o Shri Paramjit Singh,
401-C-Blue Haven,
Rabello Road, Mount Mary Steps,
Bandra (W), Bombay-400025.
18. Shri Jagdish Shetty,
221/5916, Patnagar (IDBI Flats),
Ghatkopur (East),
Bombay-400025.
19. Shri U. M. Vyas,
C-3, 3/4 Pragati Vihar,
Goregaon (West), Bombay.
20. Shri Govind Rao Gugarao Pawar
3A, Shetty Compound,
Near Amita Hotel,
143, Andheri Kurla, Andheri (East),
Bombay-93.
21. Smt. Zelma Lazaraus,
Landmark, 175 Carter Road,
Bandra, Bombay-50.
22. Smt. Ulka Vijay Shrikh Awde,
13, Nanda Bhavan, Niwas Road,
Saraswat Colony,
Santacruz (West), Bombay-54.
23. Shri Krishna Kant Manganlal Bhukhanvala.
8-B, Suresh Colony, S. V. Road,
Vile Parle (W), Bombay-400056.
24. Shri Hemraj Shah,
41, Karel Wadi, Takurdwar,
Bombay-400002.
25. Shri B. J. Trivedi,
Vilkho Villa,
Mathuradas Road,
Kandivli (West),
Bombay-400067.
26. Shri Dinkar Chowdhary,
Saptarishi Co. Op. Hsg. Soc. Ltd.,
Building 7-B, Flat No. 183,
D. N. Nagar, Andheri (W),
Bombay-400058.

नगर विमानन और पर्यटन मंत्रालय

(पर्यटन विभाग)

नई दिल्ली, 25 अगस्त, 1992

विषय :- होटल ऋणों पर व्याज सहायता

का. प्रा. 2702--भारतीय औद्योगिक वित्त निगम, भारतीय पर्यटन वित्त निगम और राज्य वित्तीय निगमों द्वारा होटल परियोजनाओं को दिए जाने वाले होटल ऋणों पर व्याज सहायता देने के संबंध में हम मंत्रालय के दिनांक 26 दिसम्बर, 1988 की पूर्ववर्ती अधिसूचना संख्या 4--टी. एच. II(2)/88 के अधिवर्धन में भारत के राष्ट्रपति महोदय निम्नलिखित विनिर्देश करते हैं :-

(1) भारतीय औद्योगिक वित्त निगम, भारतीय पर्यटन वित्त निगम

का. प्रा.

मद्रास और कलकत्ता को छोड़कर सभी स्थानों पर अनुमोदित हरिटेक होटल परियोजनाओं को स्वीकृत किये जाने वाले ऋणों पर 5% व्याज सहायता दी जाएगी।

(2) 1 और 5 स्टारों के श्रेणी के श्रेणी होटलों और विरही, यमई, मद्रास और कलकत्ता महानगरों में चल रहे सभी होटलों को इस अधिसूचना की तारीख से व्याज सहायता काट कर दी जाएगी। तथापि, यह संशोधन भारतीय औद्योगिक वित्त निगम भारतीय पर्यटन वित्त निगम और राज्य वित्तीय निगम द्वारा इन तारीख से पहले स्वीकृत किए गए ऋणों के सम्बंध में लागू नहीं होगा।

(3) विशेष क्षेत्रों और विनिर्दिष्ट गंतव्य स्थानों में एक, या अधिक तारों के श्रेणी के होटलों के लिए दिए जाने वाले ऋणों के मामलों में व्याज सहायता 5% तक बढ़ा दी गई है ताकि होटल की संख्या में वृद्धि की जा सके। ऊपर बताए गए महानगरों को छोड़कर अन्य क्षेत्रों/स्थानों में व्याज सहायता 3% रहेगी। विशेष क्षेत्र और विनिर्दिष्ट गंतव्य स्थान नीचे दिए गए हैं :-

महानगरों के लिए अनिवार्यतापूर्वक परिचय एवं मुख्य स्थान

(1) कुल्लू-मनाली-लेह (2) खासियर-शिवपुरी-ओरछा-खजुराहो (3) गोरगोण-सिक्किम-दार्जिलिंग-कलिंग (4) भुवनेश्वर-पुरी कोणार्क (5) हैदराबाद-नागार्जुनसागर-तिरुपति (6) मद्रास-मामलपुरम-पांडिचेरी (7) ऋषिकेश-नरेन्द्र नगर-गंगोत्री-रवीनाथ (8) इन्दौर-उज्जैन महेश्वर-जंका-रेवडर-माण्डू (9) जयपुर-जोधपुर-बिकानेर-बाड़मेर गंतव्य स्थान :-

(1) लक्षद्वीप द्वीप समूह (2) अरुमान द्वीप समूह (3) मसाली (चोलांग-माला) (4) बेकल समूह (5) मुत्तुकाट समूह (6) कांगड़ा (गंगोत्री)

उपरोक्त प्रदेश इस अधिसूचना की तारीख से लागू होंगे। नो आदेश एकीकृत वित्त की सहमति से जारी किए गए हैं। कुल्लू दिनांक 18-8-92 को उनकी अनौपचारिक टिप्पणी संख्या 2554-एफ-II/92

[स. 4-जी.एच. II(2)/88]

के. बी. ईपन, प्रवर सचिव

MINISTRY OF CIVIL AVIATION AND TOURISM

(Department of Tourism)

New Delhi, the 25th August, 1992

Subject: INTEREST SUBSIDY ON HOTEL LOANS

S.O. 2702.—In supersession of this Ministry's earlier notification No. 4-TH.II(2)/88 dated 26th December, 1988 regarding Interest Subsidy on hotel loans granted by the Industrial Finance Corporation of India, Tourism Finance Corporation of India and State Financial Corporations to hotel projects, the President of India is pleased to decide as under:

(1) An Interest Subsidy of 5 per cent will be given on loans sanctioned by IFCI, TFCI and State Financial Corporations to approved Heritage Hotel projects at all places except the 4 metropolitan cities of Delhi, Bombay, Madras and Calcutta.

(2) The Interest Subsidy to all 4 and 5 star hotels, and to all hotels in the metropolitan cities of Delhi, Bombay, Madras and Calcutta will be discontinued w.e.f. the date of this Notification. However, this revision will not apply to loans already sanctioned by IFCI, TFCI and State Financial Corporations prior to this date.

(3) The Interest Subsidy is increased to 5 per cent in the case of loans for 1, 2 and 3 star hotels in Special Areas and specified destinations to stimulate their growth. In the other areas/ places excluding

the Metropolitan cities as listed above, the interest subsidy will remain at 3 per cent. The special areas and specified destinations are given below :—

CIRCUITS-CUM-DESTINATIONS IDENTIFIED FOR INTENSIVE DEVELOPMENT :

1. Kulu-Manali-Leh, (2) Gwalior-Shivpuri-Orchha-Khajuraho, (3) Bagdogra-Sikkim-Darjeeling-Kalimpong, (4) Bhubaneswar-Puri-Konark, (5) Hyderabad-Nagarjunasagar-Tirupati, (6) Madras-Mamallapuram-Pondicherry, (7) Rishikesh-Narender Nagar-Gangotri-Badrinath, (8) Indore-Ujjain-Maheshwar-Onkareshwar-Mandu, (9) Jaisalmer-Jodhpur-Bikaner-Barmer.

DESTINATIONS :

- (1) Lakshadweep Islands, (2) Andaman Islands, (3) Manali (Solang-Nalah), (4) Bekal Beach, (5) Muttukadu Beach, (6) Kangra (Pong Dam).

The above orders shall come in force with effect from the date of this Notification.

These orders are issued with the concurrence of Integrated Finance vide their U. O. No. 2554-F-II/92 dated 18-8-92.

[No. 4-T.H. II(2)/88]

Sd./- Illegible, Under Secy.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 8 अक्टूबर, 1992

का. आ. 2703:—दिल्ली विकास प्राधिकरण का दिल्ली की मुख्य योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो अथवा कोई सुझाव देना हो तो वह अपनी आपत्ति अथवा सुझाव लिखित रूप में इस सूचना के जारी होने की तारीख से तीस दिनों की अवधि के अन्दर सचिव, दिल्ली विकास प्राधिकरण, विकास सदन आई. एन. ए., “बी” ब्लॉक नई दिल्ली को भेज दें। आपत्ति करने अथवा सुझाव देने वाले व्यक्ति को अपना नाम एवं पता भी अवश्य देना चाहिए।

संशोधन

दिल्ली मुख्य योजना 2001, असाधारण गजट अधिसूचना सं. 437 दिनांक 1-8-90 में निम्नलिखित संशोधन किए जाने का प्रस्ताव है।

संशोधन सं. 1

पृष्ठ सं. 69 पर पाकिंग मानकों के अन्तर्गत निम्नलिखित उपबंध जोड़े जाने का प्रस्ताव है।

टिप्पणी 4 :—

सी. एच. ओ., जिला कंट्रोल, समाज सदन आदि व्यावसायिक विकास के क्षेत्रों के किसी भी प्लॉट में ऐनवेलप लाइन के अन्दर तथा ऐनवेलप क्षेत्रफल के बराबर पाकिंग की व्यवस्था और बिल्डिंग की सेवाओं के लिए अनुमति एक.ए.आर. में उसकी गणना किए बिना, एक या एक से अधिक तहखानों की अनुमति दे दी जाएगी। तहखानों के अन्दर अन्य सभी उपयोगों की गणना एक.ए.आर. में की जाएगी जिसमें स्टोरेज (यदि इसकी व्यवस्था की गई है तो) भी शामिल है।

संशोधन सं. 2 :—

आवासीय प्लॉट-मुख्य आवास (001) :—अधिकतम ग्राउन्ड कवरेज की दशता हुई तालिका एक. ए. आर. आवासीय इकाइयों की सं., आवासीय प्लॉटों के विभिन्न आकारों के लिए अधिकतम ऊंचाई जोकि “विशेष परिसर” शीर्षक के अन्तर्गत पृष्ठ सं. 70 पर दी हुई है :—

आवासीय प्लॉट—मुख्य आवास निम्नलिखित तालिकानुसार परिवर्तित किया जाना प्रस्तावित है :—

अंशक	प्लॉट का	अधिकतम	एफ.	आवासीय	अधिकतम
खे. फ.		ग्राउन्ड	ए.	इकाइयों	ऊंचाई
(व. मी. में)		कवरेज	आर.	की सं.	मी. में
		प्रतिशत			
1. 12 से नीचे		75	150	1	8
2. 12 से 50		75	150	2	8
3. 50 से 100		66	180	3	12.5
4. 100 से 250		60	160	3	12.5
5. 250 से 500		50	140	3(4)	12.5
6. 500 से 1000		40	100	5(7)	12.5
7. 1000 से 1500	33.33		83	5(7)	12.5
8. 1500 से 2250	33.33		83	7(10)	12.5
9. 2250 से 3000	33.33		83	9(13)	12.5
10. 3000 से 3750	33.33		83	11(16)	12.5
11. 3750 से ऊपर	33.33		83	13(19)	12.5

टिप्पणी :—उपरोक्त तालिका, रेखाउट प्लान (अभिधास योजना) की व्यवस्थाओं के आधार पर आवासीय इकाइयों की अधिकतम संख्या का दर्शाती है।

संशोधन सं. 3 : पैरा (1) में प्रदत्त “सरकारी” शब्द काटा जाना प्रस्तावित है।

संशोधन सं. 4 : पैरा (2) में दिया गया आंकड़ा 14 को “15 से कम” शब्दों द्वारा बदल दिया जाए।

संशोधन सं. 5 : पैरा (4) निम्नलिखित द्वारा बदला जाना प्रस्तावित है :—

(4) तहखाना :—

(क) यदि तहखाने का निर्माण आवासीय प्लॉट्स विकास में किया गया तो, तहखाने को एक.ए.आर. की गणना में शामिल किया जाना चाहिए और उसका उपयोग आवासीय इकाइयों के भाग के रूप में किया जा सकता है। तथापि तहखाने में किसी भी रसोईघर, स्नानागार या शौचघर (डब्ल्यू.सी.) की अनुमति नहीं दी जाएगी।

(ख) तहखाने की सैटबैक सीमाओं के अन्दर प्रथम तल के नीचे और ज्यादा से ज्यादा भू-तल कवरेज की सीमा तक अनुमति दी जाएगी और उसे गैरराज ब्लॉक के स्थान को छोड़कर आगन और शाफ्ट आदि के नीचे इस शर्त पर बढ़ाया जा सकता कि :—

—यदि निकटवर्ती सम्पत्ति/प्लॉट तहखाने के बिना पहले से निर्मित हो तो साइड के सैटबैक के रूप में कम से कम 2 मीटर स्थान छोड़ना होगा अथवा विकास के रूप में स्वामी की निकटवर्ती सम्पत्ति के स्वामी से इस आशय का पत्र प्रस्तुत करना होगा कि 2 मीटर सैटबैक छोड़े बिना तहखाने का निर्माण करने के लिए उन्हें कोई आपत्ति नहीं है, जिसके प्रस्तुत न करने की स्थिति में स्वामी की निकटवर्ती सम्पत्ति को पहुंचे किसी भी प्रकार के नुकसान की उपपुक्त बोझ के माध्यम से क्षतिपूर्ति करने का दायित्व प्रस्तुत करना होगा।

—यदि निकटवर्ती सम्पत्ति में पहले से तहखाना बना हुआ हो और अथवा यदि प्लॉट खाली हो, तो 2 मीटर चौड़े सैटबैक की आवश्यकता नहीं होगी।

सभी मामलों में स्वाशा (स्वामियों) को उनके/उनके द्वारा निकटवर्ती सम्पत्ति को पहुँचाये गए किसी भी नुकसान के लिए स्थानीय निकाय को क्षतिपूर्ति भी करनी होगी।

मंशोधन सं. 6 :- पैरा (5) निम्नलिखित पैरे द्वारा बदला जाता प्रस्तावित है।

(5) सर्वेन्ट ब्याटरी की संख्या को व्यवस्था अनुगोहित से-प्लाट प्लान के अनुसार को जाएगी और निर्माण निर्धारित ऊँचाई के अन्दर किया जाएगा। तथापि, यदि गैरगज व्यक्ति के स्थान का मुख्य भवन के साथ मिला दिया गया हो, तो मुख्य भवन के भाग के रूप में किसी भी पथ, सर्वेन्ट ब्याटरी अथवा मरैन्ट ब्याटरी को अनुमति नहीं दी जाएगी। तथापि, अनुज्ञेय कवरेज एफ. ए. आर. के अन्तर अने बापी आवासाय इकाई के भाग के रूप में सर्वेन्ट रुम को व्यवस्था को अनुमति दी जाएगी।

मंशोधन सं. 7 : पैरा (7) को निम्नलिखित से बदला जाता प्रस्तावित है।

(7) 750 वर्ग मी. से अधिक के भूखण्डों के लिए पार्किंग, अनुमेय निर्मित प्लोर एरिया के प्रति 100 वर्ग मी. के 1.33 कार स्थान की दर में होगी और 200 वर्ग मी. के आकार वाले भूखण्डों पर अनुमेय प्लोर एरिया घटाने के बाद निर्धारित की जाएगी। जब तहखाने में पार्किंग की व्यवस्था की गई होगी तो उसे छोड़ कर कवर किए गए पार्किंग क्षेत्र को एक 0.003 आर. से शामिल किया जाएगा।

मंशोधन सं. 8 : राजपत्र की अधिसूचना के पृष्ठ 71 पर पैरा (8) के बाद निम्नलिखित प्रावधान किए जाने की प्रस्तावित है :

(9) उन क्षेत्रों में जो दि. नि. की स्थापना से पूर्व दिल्ली नगर पालिका के प्राधिकार क्षेत्र में सम्मिलित किए गए थे, 167.62 वर्ग मी. (200) वर्ग गज से कम भूखण्डों के लिए अनुमेय भूखण्ड कवरेज निम्न रूप में होगी :-

(क) 83.6 वर्ग मी. (100 वर्ग गज) से कम—अधिकतम कवरेज 25%

(ख) 83.6 वर्ग मी. (100 वर्ग गज) से अधिक 167.2 वर्ग मी. (200 वर्ग गज) से कम—अधिकतम कवरेज 68.66

तथापि, बशर्ते कि दिल्ली मुख्य योजना-2001 में यथा निर्धारित एक.ए.आर. और ऊँचाई का उल्लंघन न किया जाए।

(10) दिल्ली नगर निगम की स्थापना से पूर्व दिल्ली नगर पालिका के प्राधिकार क्षेत्र में शामिल अनुमोदित योजना के भाग के रूप में मानक नक्शों और दुकान एवं रिहायशी खण्डों में संबंधित कवरेज और एक.ए.आर. के मानक निम्न रूप में होंगे :-

(क) मानक नक्शे : सक्षम प्राधिकारी द्वारा बनाए गए डिजाइन और अनुमोदित किए गए मानक भवन नक्शे जालू रहेंगे, जहाँ भी वे लागू हों।

(ख) दुकान एवं रिहायशी भूखण्ड : जहाँ कोई अनुमोदित मानक नक्शा नहीं है। और पहले और ऊपर के तलों पर रिहायशी विकास के लिए दुकान एवं कवरेज हेतु 80% ग्राउण्ड कवरेज सहित ऐसे भूखण्डों के पृथक भवन नक्शे स्वीकार किए जा रहे थे, मझौली फ्लोर रहित दुकानों के लिए और ऊपर के तलों पर रिहायशी कवरेज सहित अधिकतम 80% ग्राउण्ड कवरेज सहित भवन नक्शे स्वीकार किए जाने जारी रहेंगे बशर्ते कि दिल्ली मुख्य योजना 2001 प्रावधानों के अनुसार इस प्रकार के भूखण्ड के मामले में 80% ग्राउण्ड कवरेज और ग्राउण्ड प्लोर पर रिहायशी कवरेज के बीच एक.ए.आर. की गणना करने समय बूझ अधिक नहीं होनी चाहिए।

खम्बे :- यदि एक रिहायशी प्लॉट में खम्बों पर भवन का निर्माण किया गया है तो आठे बड़े पार्किंग, भूदृश्याकृत अथवा खेस के सौदा

आदि के लिए उपयोग किया जाए, उसे अनुमेय फर्श क्षेत्रफल अनुपात में गिना जाएगा।

संशोधन संख्या 9 :- रिहायशी प्लॉट-समूह आवास (002) :- पृष्ठ संख्या 71, पर समूह आवास (002) के रूप में रिहायशी प्लॉट से सम्बन्धित पैरा (III) को निम्नलिखित में बदलने का प्रस्ताव है :-

(III) तहखाना :-

(क) चूंकि समूह आवास कि सम्बन्धित परियोजना है, इसलिए समूह आवास परियोजना में ठीक आवरण रेखा तक समस्त तक तहखाना बनाने की अनुमति दी जा सकती है, बशर्ते कि यह प्लॉट के लिए अनुमत अधिकतम तल कवरेज से अधिक न हो।

(ख) धर्चस्थ रूप में एक से अधिक तहखाना बनाने की अनुमति इस शर्त पर दी जा सकती है कि तहखाने का कुल क्षेत्रफल प्लॉट के लिए अनुमेय अधिकतम तल कवरेज से अधिक न हो।

(ग) कि यदि तहखाना क्षेत्र भवन रेखा के बीच और खम्बों के नीचे है तो तहखाना भूतल के बराबर होना चाहिए। इस प्रकार के मामले में तहखाने में हवादारी की व्यवस्था हवादारी के यांत्रिक उपकरणों द्वारा की जाएगी।

(घ) तहखाना क्षेत्र का उपयोग, पार्किंग और सेवाओं जैसे विनिर्दिष्टियों सहित विद्युत सब-स्टेशन की प्रसिद्धि और विद्युत व्यवस्था की स्थापना के लिए दिल्ली विद्युत प्रवाय सन्धान का अनुमोदन, अग्नि शमन उपकरणों के लिए दिल्ली अग्नि-शमन सेवा का अनुमोदन भवन के लिए अपेक्षित किन्हीं अन्य सेवाओं के लिए सम्बन्धित प्राधिकारों के अनुमोदन से हो किया जाएगा और यदि सामान्य सञ्चालन उपयोग सहित किसी अन्य उद्देश्य के लिए भवन का उपयोग किया जाता है तो उसे अनुमेय फर्श क्षेत्रफल अनुपात में गिना जाएगा।

खम्बे :-

यदि भवन का निर्माण खम्बों पर ऐसी ऊँचाई पर किया जाता है जो रहने योग्य नहीं है और उसका उपयोग पार्किंग, भूदृश्याकृत आदि के लिए किया जाता है तो खम्बों वाले तल को क्षेत्रफल अनुपात में शामिल किया जाने की आवश्यकता नहीं है।

मंशोधन संख्या 10 : कलस्टर कोर्ट आवास के लिए निः लिखित व्यवस्था जोड़ी जानी प्रस्तावित है :-

आवासीय प्लॉट समूह आवास (002) के पैरा 3 के बाद पृष्ठ 71 पर कलस्टर कोर्ट आवास (002) का)

कलस्टर कोर्ट आवास (002-ओ)

प्लॉट का न्यूनतम आकार 4000 वर्ग मीटर
अधिकतम एक.ए.आर. 100
अधिकतम ऊँचाई

45 वर्गमीटर तक के प्लॉटों के लिए 8 मीटर (2 गजिल) 100% अधिकतम कवरेज के साथ प्रकाश एवं हवादारी की स्थिति के प्रधान।

45 वर्गमीटर से ऊपर के और 56 वर्ग मीटर तक के प्लॉटों के लिए 11 मीटर (3 गजिल) 100% अधिकतम ग्राउण्ड कवरेज के साथ प्रकाश एवं हवा को स्थिति के प्रांत।

अथ निवेदन :

1. दोनो ओर 15% के अन्तर स्थित अनुसूच्य निचल आवास घनत्व प्रति हेक्टेयर 140 आवासीय इकाइयाँ और वह औसत एक प्लॉट से अधिक के लिए होगा ।

2. प्लॉट के लिए न्यूनतम स्ट्रीट फ्रंट : 20 मीटर

3. तहखाने की अनुमति नहीं है ।

4. भवन आवरण के बाहर कोई प्रक्षेपण नहीं ।

5. प्रत्येक कलस्टर कॉटे आवास एकल परिवार (अधिकतम 6 व्यक्ति) हेतु एक आवासीय इकाई के लिए है ।

6. प्लॉट के लिए सैट ब्रेके निम्नलिखित के अनुसार बढा होगी ।

क्रम सं.	प्लॉट का आकार (बर्ग मीटर में)	न्यूनतम आगे	सैट ब्रेक पीछे	साइड (1)	साइड (2)
1.	400 बर्ग मीटर से और 1000 बर्ग मीटर तक का प्लॉट का आकार	9	3	3	3
2.	1000 बर्ग मीटर से अधिक	9	6	6	6

2. प्रस्तावित संशोधन से युक्त दिल्ली मुख्य योजना 2001 का प्रति निरोधन के लिए उप निर्देशक, मुख्य योजना अनुभाग, छठी मंजिल, आई.पी., एस्टेट, नई दिल्ली के कार्यालय में उक्त अधि के अंदर सभी कार्य दिवसों में उपलब्ध होगी ।

[काइल सं.-एफ. 15(1)/92 एम. पो./पो.टी.-1]

सचिव, सिंह, सचिव, दिल्ली, विकास प्राधिकरण

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 8th October, 1992

S.O. 2703.—The following modifications, which the D.D.A. proposes to make to the Master Plan of Delhi, are hereby published for public information. Any person having any objection or suggestion with respect to the proposed modifications may send such objection or suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, J.N.A. 'B' Block, New Delhi, within a period of 30 days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

MODIFICATIONS

The following modifications are proposed to be made in MPD 2001 Extraordinary Gazette Notification No. 437 dt. 1-8-90.

Modification No. 1.—The following provision is proposed to be added on page 159 under parking standards.

"Note 4.—In any plot forming part of commercial development areas like CHO, District Centres, Community Centres etc., the basement within the envelope line equivalent to an envelope area, in one or more than one basement would be permitted for providing parking and services to the building without counting in permissible FAR. All other uses including storage if, provided, in the basement shall be counted in FAR.

Modification No. 2.—In Presidential Plot-plotted Housing (001) : Table indicating the maximum ground coverage, FAR, number of Dwelling Units, maximum height for different size of residential plots on page No. 159 under heading

'Specific Premises'—Residential plot-plotted Housing, is proposed to be replaced with the following table :—

Sl. No.	Area of the Plot (Sq. Mt.)	Max. ground coverage percentage	FAR	No. of dwelling unit	Maximum height in metre
1.	Below 32	75	150	1	8
2.	Above 32 to 50	75	150	2	8
3.	Above 50 to 100		180	3	12.5
4.	Above 100 to 250	60	160	3	12.5
5.	Above 250 to 500	50	140	3(4)	12.5
6.	Above 500 to 1000	40	100	5(7)	12.5
7.	Above 1000 to 1500	33.33	83	5(7)	12.5
8.	Above 1500 to 2250	33.33	83	7(10)	12.5
9.	Above 2250 to 3000	33.33	83	9(13)	12.5
10.	Above 3000 to 3750	33.33	83	11(16)	12.5
11.	Above 3750	33.33	83	13(19)	12.5

Note.—The above table gives maximum number of dwelling subject to provisions of layout plan.

Modification No. 3.—Word "Government sponsored in para (i) is proposed to be deleted.

Modification No. 4.—In para (ii) the figure 14 is to be replaced by the words "less than 15".

Modification No. 5.—Para (iv) is proposed to be replaced by the following :

(iv) Basement :

(a) Basement, if constructed, in the residential plotted development should be included in the calculation of FAR and could be utilised as part of the dwelling units. However, no kitchen, bathroom or water closet (WC) shall be allowed.

(b) Basement shall be allowed below the ground floor and to the maximum extent of ground floor coverage, within the set back lines and could be extended below the courtyard and shaft etc. except the garage block subject to that :—

— To leave a minimum of 2 mt. by way of side set-back in case adjacent property/plot has already been built without a basement or alternatively, the owner furnishes a letter from the adjacent property owner stating that he/she has no objection for construction of basement without leaving 2 mt. set-back failing which, the owner furnished an undertaking to compensate any damage caused to the adjacent property through a suitable insurance cover.

— In case adjacent property already has basement and/or if the plot is vacant, 2 mt. wide set-back may not be necessary.

— In all cases, the owner(s) shall also have to indemnify the local body against any damage caused by him/them to the adjacent property.

Modification No. 6.—Para (v) is proposed to be replaced by the following para :

(v) Number of servant quarters shall be provided as per approved layout plan and construction is to be done within the stipulated height. However, if the

garage block space is merged with the main building, no separate servant quarter block or servant quarters as part of main building shall be allowed. However, provision for a servant's room as part of the dwelling unit falling within the permissible coverage/FAR shall be allowed.

Modification No. 7.—Para (VII) is proposed to be replaced by the following :

- (vii) For plots above 250 sq. mt. in size, parking shall be provided @ 1.33 car space per 100 sq. m. of permissible built floor area and would be determined after deducting permissible floor area on a 200 sq. mt. plot size. The covered parking area, shall be included in FAR, except when it is provided in the basement.

Modification No. 8.—Following provisions are proposed to be after para (VIII) on page 160 of the Gazette Notification :

- (ix) In areas which, prior to the establishment of MCD were included within the jurisdiction of Delhi Municipal Committee, permissible plot coverage for plots not exceeding 167.2 sq. mt. (200 sq. yds.) shall be as under :—

- (a) not exceeding 83.6 sq. mtr. (100 sq. yd.)—Maximum coverage 25%.
(b) Above 83.6 sq. mtr. (100 sq. yds.) (not exceeding 167.2 sq. mtr.) (200 sq. yds.) maximum coverage 66.66%.

However, subject to that FAR and height as prescribed in MPD-2001 are not violated.

- (x) Norms of coverage and FAR pertaining to standard plans and shop-cum-residential plots, forming part of an approved scheme included within the jurisdiction of Delhi Municipal Committee prior to the establishment of MCD shall be as below :—

- (a) Standard Plans : Standard building plans designed and approved by the Competent Authority, shall continue to be operated wherever applicable.
(b) Shop-cum-residential plots : Where there is no approved standard plan and the individual building plans on such plots were being sanctioned with 80% ground coverage for shops and coverage as for residential development on first and upper floors, building plans shall continue to be sanctioned with maximum 80% ground coverage for shops without mezzanine floor and with residential coverage on the upper floor subject to the condition that while calculating the FAR the increase should not be more than the difference between 80% ground coverage in respect of such size of plot and residential coverage on ground floor as per MPD-2001 provisions.

Stilts :

If a building on a residential plot is constructed on stilts, the same should be counted in the permissible FAR, irrespective of whether it is, used for parking, landscaping or as play area etc.

Modification No. 9.—Residential Plot—Group Housing (002) Para (iii) pertaining to residential plot as Group Housing (002) on page No. 160 is proposed to be replaced by the following :

(iii) Basement :

- (a) Since the group housing is an integrated project, basement in the group housing project be permitted to extend horizontally right upto the envelope line, provided that it does not exceed the maximum permissible ground coverage for the plot.
(b) More than one basement can be allowed in vertical formation subject to the condition that the total basement area does not exceed the maximum permissible ground coverage for the plot.
(c) That the basement area which fall between the building line and below the stilts should be flushed

with the ground. In such a case the basement is to be ventilated with mechanical means of ventilation.

- (d) The basement area to be used for parking and for services such as location of electric sub-station with specifications and approval of DESU installation of electrification for fire fighting with the approval of Delhi Fire Services and any other services required for the building with appropriate approval only and if used for any other purpose including common storage use the same is counted in permissible FAR.

Stilts :

If the building is constructed with stilt area of non-habitable height and is proposed to be used for parking, landscaping etc. the stilt floor need not to be included in FAR.

Modification No. 10.—The following provision for cluster court Housing is proposed to be added :

Cluster Court Housing (002-B) on page 160 after para 3 of residential plot group housing (002).

CLUSTER COURT HOUSING (002-B)

Maximum size of plot	4000 sqm.
Maximum FAR	100
Maximum height	
for plots upto 45 sqm.	8mts (2 storey) with maximum coverage 100% subject to Light & ventilation condition.
for plots above 45 sqm. upto 56 sqm.	11 Mts. (3 storey) with maximum ground coverage 100% subject to Light and Ventilation conditions.

Other controls :

- (i) The net Housing density permissible 140 DUS per hectare with a 15% variation on either side and could be averaged for more than one pocket.
(ii) Minimum street front for the pocket : 20 Mts.
(iii) No basement is allowed.
(iv) No projection outside the building envelope.
(v) Each cluster court house is for one Dwelling for a single family (Maximum 6 persons).
(vi) Setbacks for the pocket could be the same as below:

Sl. No.	Plot size (in sq. mt.)	Min. Setbacks			
		Front	Rear	Side (1)	Side (2)
1.	Plot Size from 4000 and upto 1000 sq. mts.	9	3	3	3
2.	Above 1000 sq. mts.	9	6	6	6

2. A copy of the MPD-2001 incorporating the proposed modifications will be available for inspection at the office of the Deputy Director, Master Plan Section, 6th Floor, Vikas Minar, I. P. Estate, New Delhi on all working days within the period referred to above.

[File No. F. 15(1)/92-MP/Pt. I]

VIKAS SADAN,
B' BLOCK, I.N.A. DELHI DEVELOPMENT AUTHORITY
NEW DELHI.

अव मंत्रालय

AWARD

नई दिल्ली 21 सितम्बर, 1992

का. आ. 2704.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कॉर्पोरेशन ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/9/92 को प्राप्त हुआ था।

[संख्या एन—42011/15/86-डी (बी)/डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 21st September, 1992

S.O. 2704.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 17-9-1992.

[No. L-42011/15/86-D (B) D.IV(B)]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri G. Krishna Rao, B.A., B.L., Industrial Tribunal.

Seventh day of August Nine Hundred Nine Two
Industrial Dispute No. 89 of 1988

BETWEEN

The workmen of Food Corporation of India
(Port Operations), Visakhapatnam.
... Petitioner.

AND

The Management of Joint Manager (Port
Operations) Food Corporation of India.
Visakhapatnam. ... Respondent

This case is coming for final hearing before me in the presence of M/s. Ch. Laxminaravana, Y. Vivekananda Swamy and K. V. N. Bhoopal, Advocate for the Workmen-Petitioner and Sri K. Satyanaravana Rao, Advocate for the Management—Respondent and upon perusing the material papers on record and having stood over for consideration till this day, the Court passed the following :

2482 GI/92—5

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-42011/15/86-D.B.D.IV(B), dated 23-8-1988 for adjudication of the dispute between the Management of the Joint Manager (Port Operations) Food Corporation of India and their workmen setting forth the point for adjudication in the schedule appended thereto as follows :

“Whether the action of the Management of Food Corporation of India in not regularising the services of S/Sri G. Gangadharan Rao, P. V. Narasimha Rao Ramaswamy and G. Anand, Ship Supervisors who have been working since 1976, is justified? If not, to what relief the workmen are entitled?”

This reference was registered as I.D. No. 89 of 1988 on the file of this Tribunal. After receiving the notices from this Tribunal, the petitioners filed their claim statement on 11-4-1989 and the Respondent filed the counter on 14-9-1989.

2. The averments of the claim statement filed by the Petitioners read as follows :

It is respectfully submitted that the persons whose names mentioned in the schedule were members of Shipping Employees' Union, Visakhapatnam at the time of raising the Industrial Dispute as such the matter is espoused by the Union and referred to this Hon'ble Court for adjudication. The petitioners further submit that the second name mentioned in the schedule is P. V. Narasimha but not P. V. Narsimha Rao. It is further to submit that the last name also wrongly mentioned in the schedule. Instead of K. N. Anand it is mentioned as G. Anand. The petitioners submit to the Hon'ble Court that an opportunity may be given to proceed with this case though the names mentioned above are wrongly appear. The petitioners submit that they have been working under the Respondent Corporation from 1976 as Ship Supervisors. They have been discharging their duties continuously from the date of appointment without any adverse remarks by the Respondent. They work hard, efficiently and admired by their superiors. The petitioners submit that the Respondent Corporation has taken over the stevedore work of food, fertilizer etc. at Visakhapatnam Port. Eversince the time of taking over the stevedors work at the Visakhapatnam Port the petitioners do their job as per the directions of the FCI and they are under obligation to attend the duties compulsorily every day without fail though they do this job on 'no work no pay basis'. The petitioners submit that their wages are determined as per the recommendations by Central Wage Board and paid on monthly wise. The wages are being paid on par with port and dock scales and also they have been covered the ex-gratia on par with port and docks. The petitioners submit that before taking over the stevedors work by Respondent Corporation, some private companies used to do this stevedore work of food and fertilisers etc. After 1976 the same work is being done by FCI with its own cargo and still continuing. The petitioners submit that they work under the Respondent—Corporation for the last 12 years. They have more than 300 musters in

each year under the Respondent Corporation. The petitioners further submit that they have been working under the Respondent—Corporation without break except the closed holidays. It is further submitted that though they have been slavished away for such a long period of 12 years, the Respondent has not regularised the services of the petitioners. The petitioners gave so many representations to the Respondent requesting them to regularise their services but these efforts are in vain. The petitioners submit that the Respondent protracting the issue for one reason or other. The petitioners submit that before the Conciliation Officer also the Respondent did not oppose the demand of the petitioner with regard to this regularisation of their services. The Respondent represented before the said Officer that the petitioners cases were pending in Zonal Office at Madras. The petitioners respectfully submit to the Hon'ble Court that the files of the petitioners in Zonal Office have not seen the light of the day even as on this date. The petitioners submit that all of them came from poor families. Due to non-regularisation of their services not only themselves but their family members are also in fear because of insecurity of job. The petitioners further submit that they have been working under the Respondent devotedly for the last 12 years and they crossed the age limit and have no choice of other employment in these hard days. The petitioners submit that though they have been slavished away for such a long period, the Respondent who is being model employer, denied social security and this act on the part of Respondent is against the directive principles of state policy. It is respectfully submitted that the petitioners play vital role in the business activities of the Respondent but in turn instead of providing job security, the respondent given step-motherly treatment to the petitioners. It is further submitted that the Respondent by not regularising the services of the petitioners denied the benefits such as provident fund, gratuity etc. which are enjoyed by the workmen who have been recruited on regular basis in various departments of the Respondent Corporation. The petitioners submit that the work being done by them is of continuous nature and still there is plenty of work in the hands of the Respondent. It is submitted that though the petitioners perform the job of permanent nature, the respondent keeping them as workers on 'no work no pay' basis and this is nothing but explanation of labour by the Respondent. The petitioners submit that they are workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. Though they are designated as 'ship supervisors' they have no any kind of managerial powers. Their duties are vassal work arrangements, i.e. placing indent for labour in Dock Labour Board, to inform the stage of labour confirmation in shiftwise from time to time, preparation of statement of facts basing on the daily preparation report maintained by them, prepare shift returns, if there is any industrial accident to workers, they have to bring ambulance and make them to admit into hospital. They have to perform all these duties as per directions of the Respondent. Therefore, the petitioners are within the ambit of Section 2(s) of the I.D. Act, 1947. The petitioners further submit that the respondent is an industry within the meaning of Section 2(i) of the I.D. Act, 1947. The Petitioners, therefore, pray

that the Hon'ble Court may be pleased to direct the respondent to regularise their services and also to direct the Respondent to pay the salary, allowances and other benefits with retrospective effect which are enjoyed by the employees who were initially appointed regularly.

3. The averments of the counter filed by the Respondent read as follows :

The Respondent herein does not admit any of the allegations made in the claim statement except those which are specifically admitted hereunder. The petitioners are put to strict proof of all the material allegations which are not so admitted hereunder. The reference as made is not maintainable either in law or on facts. The above dispute which has been raised by Shipping Employees Union, Visakhapatnam have withdrawn through their letter dated 28-9-1988. The said Union is estopped from continuing the above dispute. The claim statement does not indicate as to who has filed the claim statement. The allegations made in paras 3 to 8 are not true and correct. The petitioners are not entitled to correct the names in the reference and the Government alone can amend after the reference. The persons mentioned in the reference were engaged on shift system basis as and when stevedoring work was undertaken by the Respondent. The stevedoring work is of intermittent in nature. Actually these persons who were engaged by other stevedoring companies were alone engaged by the Respondent. The workmen referred in the alleged dispute have been engaged by the other stevedoring companies. The workmen who were engaged as Ships Supervisors whenever stevedoring work was undertaken cannot be said to be the workmen of Respondent and they cannot claim for regularisation of their services. As per the F.C.I. Staff Regulations there is no post of Ship-Supervisors. The services of Ship Supervisors were utilised in F.C.I. purely on daily rated basis as and when there was work and wages were paid at the rates prescribed by the Wage Board. Hence the demand of the alleged workmen for regularisation of their services in the Respondent Corporation is neither justified nor tenable. The allegation that the petitioners have been working under the Respondent without break except on holidays is totally false and incorrect. The allegation that the Respondent represented before the conciliation officer that the petitioners cases were pending in the Zonal Office at Madras is not true and correct. The question of regularisation of the said workmen does not arise as they were working depending upon the exigencies of work. There is no master and servant relationship between the Respondent and the persons referred in the reference. As such the reference itself is liable to be rejected. The persons referred in the reference are not workmen within the meaning of the Section 2(s) of the Industrial Disputes Act. The allegation that still there is plenty of the work in the hands of the Respondent is not true and correct. The work undertaken by the Respondent is not one of permanent nature. The engagement of labour as and when requirement arises does not amount to exploitation of labour. The works that are undertaken by the Ship-Supervisors does not come under the definition of Section 2(s) of the Industrial Disputes Act. In view of what has been stated above the reference

as made is not maintainable in law. The Respondent herein prays that this Hon'ble Court may be pleased to reject the reference and pass a NIL award.

4. W.Ws 1 and 2 were examined for the Petitioners and the Petitioners' side was closed. Exs. W1 to W5 were marked for the Petitioners. M.W1 was examined for the Respondent and the Respondent's side was closed. No documents were marked for the Respondent.

5. The point for adjudication is whether the action of the Management of Food Corporation of India in not regularising the services of S/Sri G. Gangadharan Rao, P. V. Narasimha Rao, Ramaswamy and G. Anand, Ship Supervisors who have been working since 1976, is justified. If not, to what relief the workmen are entitled?

6. POINT : The conciliation proceedings were initiated in this case by the General Secretary of Ship Employees Union, Visakhapatnam on behalf of the four workmen involved in this case. One of the four workmen by name Ramaswamy died admittedly. The General Secretary of the Union did not file the claim statement and the remaining three workmen namely G. Gangadhar Rao, P. V. Narasimham and K. N. Anand filed a common claim statement setting forth their claims. The case of the Petitioners was that they have been working under the Respondent-Corporation from 1976 as Ship Supervisors, that they have been discharging the duties continuously from the date of appointment without any adverse remarks by the Respondent, that the Respondent Corporation has taken over the stevedoring work of food, fertilisers etc. at Visakhapatnam Port, that ever since the time of taking over the stevedores work at the Visakhapatnam Port the Petitioners do their job as per the directions of the F.C.I. and they are under obligation to attend the duties compulsorily every day without fail though they do this job on 'no work no pay basis', that their wages are determined as per the recommendations of Central Wage Board and paid on monthly-wise, that the wages are being paid on par with Port and Dock scales and also they have been covered the ex-gratia on par with port and docks, that before taking over the stevedores work by the Respondent-Corporation, some private company used to do stevedoring work of food and fertilisers etc., that after 1976 the same work is being done by F.C.I. with its own cargo and still continuing, that they have been working under the Respondent-Corporation for the last 12 years that they have more than 300 musters in each year under the Respondent-Corporation, that they have been working under the Respondent Corporation without break except the closed holidays, that though they have been slavish for such a long period of 12 years, the Respondent has not regularised the services of the Petitioners, that the Petitioners gave so many representations to the Respondent-Corporation requesting them to regularise their services but these efforts are in vain, that the Respondent protracting the issue for one reason or the other, that before the conciliation officer also the respondent did not oppose the demand of the petitioner with regard to regularisation of their services, that the respondent represented before the said officer that the petitioners' cases were pending in the Zonal Office at Madras, that the files of the petitioners in the Zonal Office not seen in

light of the day, that the petitioners played vital role in the business activities of the respondent but intern instead of providing job security, the respondent given step-motherly treatment to the petitioners, that the respondent by not regularising the services of the petitioners denied the benefits such as Provident Fund, gratuity etc., which are enjoyed by the workmen who have been recruited on regular basis in various departments of the respondent corporation, that the work being done by them is of continuous nature and still there is plenty of work in the hands of the respondent, that though the petitioners perform the job of permanent nature, the respondent keeping them as workers on 'no work no pay' basis and this is nothing but exploitation of labour by the respondent, that they are workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1947, that though they are designated as 'ship supervisors' they have no any kind of managerial powers, that their duties are vessel work arrangements i.e. placing indent for labour in Dock Labour Board, to inform the stage of labour confirmation in shift wise from time to time, preparation of statement of facts basing on the daily preparation report maintained by them, prepare shift returns, if there is any industrial accident to workers, they have to bring ambulance and make them to admit into hospital, that they have to perform all these duties as per directions of the Respondent and that therefore the petitioners are within the ambit of Sec. 2(s) of the I.D. Act.

7. There is no dispute with regard to the nature of work discharged by the petitioners and it was also not in dispute that the petitioners have been working on 'no work no pay' basis. But the contention of the respondent was that the petitioners do not come under the definition of 'workmen' as defined under Sec. 2(s) of the I.D. Act, as the petitioners are not employed by the respondent corporation either on temporary basis or as regular daily wage workers and they will be engaged only during the period when the ship arrived, for the purpose of loading and unloading the material in and from the ships and therefore they do not answer the definition of workmen as defined in Sec. 2(s) of the I.D. Act, and therefore the petitioners are working on contract for service and not working on contract of service and so they are to be deemed that they are working as Self Employment Scheme and that therefore, the petitioners are not entitled for the relief of regularising their service. As stated above the petitioners have been working as 'Ship Supervisors' in the stevedoring operation of the respondent whenever the ships arrive, having been engaged for the stevedoring work by the respondent corporation during those periods and they are not being engaged during the period when the ships do not arrive for months together and some times for years together, as has been admitted in the evidence adduced on behalf of the petitioners. It is also clearly brought on record in the evidence, that the petitioners were not prohibited from working in other stevedoring companies or any other work else where. It is also brought in record that the petitioners will be called by the respondent corporation whenever the ship arrives or the petitioners themselves will approach the respondent corporation and enquire about the arrival of ships and attendant the work as required by the Respondent corporation during that period. It is

also the case of the petitioners that they will be paid their remuneration as per the direction of Central Wage Board and Employers Federation.

8. It is contended by the learned counsel for the petitioners that the petitioners have been working regularly as and when the ship arrives as ships supervisors in stevedoring work for loading and unloading and therefore they are entitled to be continued in service and their services should be regularised as they would come under the definition of 'Workmen'. In support of his contention the learned counsel for the petitioners cited a ruling reported in DAILY RATED BHARITIYA DAK TAR MAZDOOR MANCH AND UNION OF INDIA AND OTHERS (I) Where in it was held :"

"Daily rated casual labour in the Post and Telegraphs Department who were working for 10 years as casual labourers claimed to pay them salary and allowances and other benefits on par with permanent employees and to direct the Union of India to regularise the services of casual labourers who had been in continuous service for more than 6 months.

Held : Though the persons were not regularly recruited they had been working as casual labourers nearly for 10 years and doing the same type of work as regular employees. Art. 38(2) of the Constitution of India can be relied upon to show that the casual labourers are subjected to hostile discrimination. Denial of minimum pay in the pay scales applicable to regularly employed workmen amounts to exploitation of labour and the Govt. cannot take advantage of its dominant position and compel any worker to work even as a casual labourer on starving wages.

The fact that the casual labourer has agreed to work on such low wages is because he has no other choice and on account of poverty. The Government should be a model employer. Classification of employees into regularly recruited employees and casual employees for the purpose of paying less than the minimum pay payable to the employees in the corresponding grade of the Department where the pay scales are the lowest, is not tenable. Classification of employees depending upon the number of days of service for the purpose of payment of different rates of wages is unjustifiable and untenable besides being violative of Arts. 14 and 16 of the Constitution. It is also opposed to the spirit of Art. 7 of the International Government on Economic, Social and Cultural Rights, 1966 which exhorts all States/parties to ensure fair wages and equal wages for equal work.

Right of work, free choice of employment, right to just and favourable conditions of work, right to protection against unemployment, right of everyone who works to just and favourable remuneration ensuring

a decent living for himself and for his family, right to everyone without discrimination of any kind to equal pay for equal work, right to rest, leisure, reasonable limitation on working hours and periodic holidays with pay, right to form trade unions and a right to join trade union of one's choice and right to security of work have to be ensured by appropriate legislative and executive measures and all these rights indicate the socialist goal. Of all these rights, the question of security of work is of utmost importance. If a person does not have the feeling that he belongs to an organisation engaged in production he will not put forward his best effort to produce more. That sense of belonging will come only when there is security of work. For this reason the management and Governmental agencies should not allow the workers to remain as casual workers or temporary employees for unreasonably long period. If persons are kept as casual labourers for years for paying them lower wages, then it amounts to exploitation of labour. The labourers belonging to skilled, unskilled, and semi-skilled classes can be shifted from one dept. to another if there is no work to be done in a given place. By keeping the worker idle the country loses the wealth that he would have produced. Worker is always paid less than what he produces. Non-utilisation of man-power leads to loss of valuable human resources. "Produce or perish" is not an empty slogan. Viewed in this background non-regularisation of temporary employees or casual labourers for a long period is not a wise policy. A scheme on rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Post and Telegraph Department is directed to be prepared within 8 months and arrears of wages payable to casual workers shall be paid within 4 months."

The learned counsel for the Petitioner cited another ruling reported in U. P. INCOME TAX DEPT. CPSWA v. UNION OF INDIA & ORS (I) Wherein it was held :

"Contingent staff in the Income-Tax Department are doing service as Class IV employees in the Income Tax-Department on daily wages for eight years or more and such daily wages are much lower than the salary and allowances which regular Class IV employees are drawing. There are Government orders providing for absorption of the contingent staff, but those orders impose a number of conditions. Writ Petition is filed by the Income Tax Department Contingent Paid Staff Welfare Association to pay them salary and allowance at par with regular employees of the Income Tax Department in corresponding posts and to regularise their service.

HELD :—The facts and circumstances of the case are almost the same as those relating to daily rated labour in the Post and

Telegraph Department. Government orders providing for the absorption of the contingent paid staff are hedged in by a number of conditions and the scheme for regularisation is not satisfactory. Respondents directed to pay wages to the contingent paid staff of the Income Tax Department throughout India, at the rates equivalent to the minimum pay scale of the regularly employed workers in the corresponding cadres without any increments with effect from 1st December, 1986. They are also entitled to corresponding Dearness Allowance and Additional Dearness Allowance payable thereon and other benefits enjoyed by the said workman. Respondents are directed to prepare a scheme on a rational basis for absorption of contingent staff who have worked continuously for more than one year as Class IV employees."

The two rulings cited by the learned counsel for the Petitioners relate to casual workers employed continuously and who were not regularly recruited, but in the case on hand, the Petitioners were not employed by the Respondent-Corporation even on casual basis and they were engaged only for the particular period

whenever the ship arrive and the work of the Petitioners will be closed soon after the loading and unloading work is over in that particular period and thereafter the petitioners are at liberty to work any where and there are no restrictions for their being engaged by any other Company or their working elsewhere at their choice. The nature of work that is being discharged by the Petitioners is different, in my opinion, from the casual workers employed. It is the admitted case of the petitioners that they have been working on 'no work no pay' basis and that they will be engaged only whenever there is work i.e. whenever the ships arrive at the barbour, for the purpose of stevedoring work of loading and unloading. So this nature of work amounts to self-employment work as it is left to the choice of the petitioners either to work or not to work and it is not also compulsory on the part of the Respondent-Corporation to engage the petitioners only as and when ship arrives though in view of the fact that the petitioners have been engaged as and when ship arrives since 1976, they may have the claim as against the Respondent Corporation that they should be engaged as and when the ship arrives for the same work. So under the facts and circumstances of the case, I am of opinion, that the Petitioners will not come under the definition of 'workmen' as defined in Section 2(s) of the I. D. Act and therefore they cannot claim that they are regular employees of the Respondent Corporation and as such their services should be regularised, though they may claim that they should be engaged by the Respondent-Corporation for the same work as and when the ship arrives which has been continuously done by the Respondent-Corporation even after the reference in this industrial dispute was made by the Government of India. So in view of my above discussion, I am of opinion that the two rulings cited by the learned counsel for the Petitioners are not applicable to the facts of this case and of no avail to the Petitioners. In view of my above discussion, I am of opinion that the petitioners are (I) 1988 (I) L.J., page 396 (Supreme Court)

not the workmen as defined under Section 2(s) of the I. D. Act and that they are not entitled for the relief of regularisation as claimed by them. Hence I answer the point accordingly.

9. In the result, an Award is passed holding that the Petitioners are not entitled for the relief of regularisation of their services or any other relief in this case. There will be no order as to costs under the facts and circumstances of the case.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 17th day of August, 1992.

G. KRISHNA RAO, Presiding Officer

Appendix of Evidence

Witnesses Examined for the Workmen :

W.W.1 G. Gangadhar Rao

W.W.2 K. N. Anand.

Witnesses Examined for the Respondent :

M.W.1 S. Venkateswar Rao

Documents marked for the Workmen :

Ex. W1 3-8-1982

Photostat copy of the service certificate dt 3-8-82 issued to G. Gangadhar Rao by the Deputy Manager (Docks) Food Corporation of India (Port Operations) Vizag. 1.

Ex. W.2 27-9-85

Photostat copy of the minutes of discussions held before A.L.C.(C) Visakhapatnam on 27-9-85 regarding regularisation of services of Shipping Supervisors.

Ex. W3 25-10-85.

Photostat copy of the minutes of conciliation proceedings held before A.L.C.(C) Visakhapatnam on 25-10-85 regarding regularisation of Ship Supervisors by J. M. (PO) FCI, Visakhapatnam.

Ex. W4 18-4-88

Representation dt. 18-4-88 made by the General Secreary, Shipping Employees Union, Visakhapatnam to the Chief Labour Commissioner, New Delhi with regard to regularisation of Ship Supervisors.

Ex. W5 22-9-86

Photostat copy of the circular dt. 22-9-86 issued by Joint Manager (PO) Visakhapatnam with regard to Dock Operations-Supervision thereof.

Documents marked for the Respondent.

NIL

Sd/- (Illegible)

नई दिल्ली, 21 सितम्बर, 1992

का. आ. 2705.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कारपोरेशन आफ इंडिया के प्रबंधन

के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो को 17-9-92 को प्राप्त हुआ था।

—42011/3/86 डी-II(बी) डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 21st September, 1992

S.O. 2705.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 17-9-92.

[No. L-42011/3/86-D-II(B) D.IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri G. Krishna Rao, B.A., B.L.,

Industrial Tribunal

Seventeenth day of August Nineteen hundred Ninety Two

Industrial Dispute No. 87 of 1983

BETWEEN

The Workmen of Food Corporation of India, (Port Operations) Visakhapatnam 530 029. . . Petitioner.

AND

The Management of Food Corporation of India (Port Operations) Visakhapatnam, Visakhapatnam 530 029. . . Respondent.

This case is coming for final hearing before me in the presence of M/s. Ch. Laxminarayana, V. Vivekananda Swamy and K. V. N. Bhoopal, Advocates for the Workmen-Petitioner and Sri K. Satynarayana Rao, Advocate for the Management-Respondent for the Respondent and upon perusing the material Papers on record and having stood over for consideration till this day, the Court passed the following :—

AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-42011/3/86-D.II.B'D.IV(B) dt. 23-8-1988 for adjudication of the industrial dispute between the Management of Food Corporation of India and their workmen settling forth the point for adjudication in the Schedule appended thereto as follows :

"Whether the action of the Management of Food Corporation of India in denying over-time allowance to Ship Supervisors, Riggers Boatman and other casuals for extra hours of work performed by them in a day on par with departmental casual labour in Visakhapatnam Port, is justified? If not, to what relief the workmen are entitled?"

This reference was registered as I.D. No. 87 of 1988 on the file of this Tribunal. After receiving the notices from this Tribunal, both parties put in their appearance and the Petitioners filed their claim statement on 11-4-1989 and Respondent filed the counter on 14-9-1988.

2. The averments of the claim statement filed by the Petitioner read as follows :

It is respectfully submitted that the persons whose names mentioned below were members of the Shipping Employees' Union, Visakhapatnam at the time of raising this industrial dispute as such the dispute is asposued by the Union and referred to this Hon'ble Court for adjudication. Some names of the petitioners are :—

G. Gangadhar Rao	.. Ship Supervisor
K. N. Anand	.. -do-
P. V. Narasimha	.. -do-
M. S. N. Murthy	.. Rigger
G. Appa Rao	.. -do-
L. Sethi Raju	.. -do-

The petitioners submit that they have been working under the Respondent since 1976 in various capacities as shown against their names mentioned above. They work under the Respondent round the clock throughout the year but they are not paid with over-time allowance for that excess hours of work. The petitioners made so many representations to the Respondent and since the Respondent has not taken up any steps, the petitioners raised an industrial dispute under Sec. 2(k) of the Industrial Disputes Act, 1947 before the Assistant Labour Commissioner, Visakhapatnam. As the matter is not amicably settled, has been referred to this Hon'ble Court for adjudication. The reference made by the Govt. of India, Ministry of Labour vide G.O. No. L-42011/3/36-D.IV(B) dt. 23-8-1988 as follows :—

"Whether the action of the Management of Food Corporation of India in denying over time allowance to Ship Supervisors, Riggers Boatman and other casuals for extra hours of work performed by them in a day on par with departmental casual labour in Visakhapatnam Port, is justified? If not to what relief the workmen are entitled?"

The Petitioners submit that they have been working under the Respondent continuously from the date of taking over the stevedores work of food, fertiliser etc. by the respondent at Visakhapatnam Port. Prior to 1976 some private companies used to do the stevedore work of food and fertilisers etc. but in 1976 the same work had been taken over by the Respondent. The Petitioners submit that the Respondent keeping

them as workers on 'no work no pay' basis right from the beginning and extracts work beyond normal hours of work but does not pay overtime allowances for that excess hours of work. The petitioners submit that they have been working under the Respondent devotedly, with a sense of belongingness and work exorbitantly by investing their flesh and blood. The petitioners submit that the Respondent by taking devotedness and ignorance of the petitioners as an advantage, used them to work round the clock without paying overtime allowance for that excess hours of work. It is further to submit that the Petitioners are covered by the wage structure of Major Ports like departmental casual labourers but the Respondent Pays over time allowance to departmental casual labourers and denies the same to the petitioners as such the petitioners have been subjected to hostile discrimination. The petitioners submit that the Respondent denies OTA to the petitioners on untenable grounds. The Respondent stated before the Conciliation Officer that as the petitioners are labourers without minimum guarantee of wages are not entitled to OTA. The petitioners submit that this argument by the Respondent is untenable, unsound and not sustainable in the eye of law. It is pertinent to note here that the Respondent is not denying the fact that the petitioners did excess hours of work. The petitioners further submit to the Hon'ble Court that the Respondent knows very well the painstaking of the petitioners but still OTA is denied on flimsy grounds. The petitioners humbly urge this Hon'ble Court to have notice that no body engaged by the Respondent to assist the supervisors as such the supervisors are used to perform excess hours of work. The petitioners used to work in more than two shifts. Some times vessels will not be permitted for loading etc., in these circumstances the petitioners have to wait and used to work day and nights, say 3 shifts continuously. Whenever there is strike by the staff of Food Corporation of India that is respondent, the petitioners were used to work excess hours of work. Indents for wheat export to URS usually give by Visakhapatnam Port Trust but after some years the same work has been taken by FCI and the petitioners used to work excess hours of work. At the time of cyclone etc., the Petitioners should always be present on the board. The petitioners submit that though they face such hardship, work more than their capacities and try their patience, the Respondent being model employer, exploiting them by not providing Overtime Allowance. The petitioners submit that in FCI of Madras, the same operations are being carried systematically and work is distributed between various categories, whereas, here, the respondent without following such arrangements, putting so much burden on the petitioners and exploiting them by not paying equal pay for the work done. The Petitioners submit that the action of the Respondent is not arranging the payment of OTA is illegal, unjust, unconstitutional and against the Welfare Legislation. The petitioners submit the Respondent is an industry, within the meaning of Sec. 2(i) of the Industrial Disputes Act, 1947 and the petitioners are workman within the meaning of Sec. 2(s) of the Industrial Disputes Act 1947. The Ship Supervisors, though they are designated as such, they have no any kind of managerial powers over the other workers. Their duties are vessel work ar-

rangements i.e. placing indent for labour in Dock Labour Board, to inform the stage of labour confirmation in shiftwise from time to time, preparation report maintained by them, prepare shift returns, if there is accident to workers they have to bring ambulance and make them to admit into hospital. They have to perform all these duties as per the directions of the Respondent. It is further to submit that the Riggers' duties are to supply necessary gear materials to workers on board, if there is any trouble arises in doing the work, the riggers get down into batches and co-operate with the workers in smooth running of the work, if any obstruction is from the ship cranes and deries while doing the work, the riggers operate and change movements though it is a technical work. Therefore, the petitioner's jobs are out of supervisory nature, hence they are within the circle of sec. 2(s) of the Industrial Disputes Act, 1947. The petitioners submit that all of them came from poor families, suffering a lot due to meagre income, working hard under the Respondent and increased productivity but the Respondent is not paying equal pay for the work done. The petitioners, therefore, pray the Hon'ble Court to direct the Respondent to make them eligible for Over Time Allowance and pay the same for the extra hours of work done by them, with retrospective effect.

3. The averments of the counter filed by the Respondent read as follows :

The Respondent herein does not admit any of the allegations made in the claim statement except those which are specifically admitted hereunder. The petitioners are put to strict proof of all the material allegations which are not so admitted hereunder. The reference made is not maintainable either in law or on facts. The dispute has been raised by the Shipping Employees Union, Visakhapatnam and the said Union has withdrawn the above dispute vide their letter dated 28-9-1988. There is no industrial dispute pending between the petitioners' Union and the Respondent and as such the question of adjudication of the alleged Industrial dispute does not arise. The Ship Supervisors referred in the references in question are not workmen employed by the Respondent. The Respondent engages Ship Supervisors/Riggers on daily rated basis depending upon exigencies of work. The Ship Supervisors/Riggers are paid wages as notified from time to time. The said persons are not entitled to any overtime wages as they do not work overtime. They are engaged on shift basis and they are paid wages accordingly. They are engaged for additional shift in a day as per the exigencies of work and paid extra wages. The persons engaged as Ship Supervisors/Riggers cannot equate themselves with departmental labour. Port Trust is a different Organisation and the Ship Supervisors cannot compare themselves with those engaged by the Port Trust. The Ship Supervisors/Riggers work for other stevedoring companies and they are governed by the same rules as are applicable to the stevedoring companies. They are not the workmen of the Respondent. They are paid in the same manner as they are paid by the other stevedoring companies. In view of what has been stated above the Respondent herein prays that this Hon'ble Tribunal may be pleased to reject the reference and pass a NIL award.

4. W.W.1 was examined on behalf of the Petitioners and the Petitioner's side was closed. No documents were marked for the Petitioners. M.W.1 was examined for the Respondent and the Respondent's side was closed. No documents were marked for the Respondent.

5. The point for adjudication is whether the action of the Management of Food Corporation of India in denying over time allowance to Ship Supervisors; Riggers, Boatmen and other casuals for extra hours of work performed by them in a day on par with departmental casual labour in Visakhapatnam Port, is justified? If not, to what relief the workmen are entitled?

6. POINT.—Common claim statement was filed by some of the affected workmen, in this matter and not by the General Secretary of Shipping Employees Union, Visakhapatnam. The contention of the said workmen who filed the common claim statement was that they have been working under the Respondent since 1976 as Ship Supervisors and Riggers, that they worked under the Respondent round the clock throughout the year but they are not paid over time allowance for that excess hours of work, that they made so many representations to the Respondent and the Respondent has not taken any steps, that they have been working in the Respondent continuously from the date of taking over the stevedores work of food, fertilisers etc. by the Respondent at Visakhapatnam Port Trust and that prior to 1976 some private Companies used to do the stevedores work of food and fertilisers etc., but in 1976 some work had been taken over by the Respondent, that the Respondent keeping them as workers on 'no work no pay' basis right from the beginning and extracts work beyond normal hours of work but does not pay over time allowance for that excess hours of work, that the Respondent used them to work round the clock without paying over time allowances, for the excess hours of work, they are covered by the wage structure of major ports like departmental casual labourers but the Respondent pays over time allowance to the department casual labourers and denies the same to the petitioners, as such the petitioners have been subjected to hostile discrimination, that the Respondent denied over time allowance to the petitioners on untenable grounds, that the Respondent stated before the Conciliation Officer that as the petitioners are labourers without minimum guarantee of wages are not entitled to OTA, that the Respondent is not denying the fact that the petitioners did excess hours of work, that the Respondent knows very well the painstaking of the petitioners but still OTA is denied on flimsy grounds, that nobody engaged by the Respondent to assist the supervisor as such the supervisors are used to perform excess hours of work, that they used to work in more than two shifts, that sometimes vessels will not be permitted for loading etc. in these circumstances they have to wait and used to work day and night, say three shifts continuously, that whenever there is a strike by the staff of Food Corporation of India, that is the Respondent, the petitioners used to work excess hours of work, that the Respondent being model employer, exploiting them by not providing over time allowance, that F.C.I. of Madras the same operations

are being carried systematically and work is distributed between various categories whereas hers, the Respondent without following such arrangements, putting so much burden on the petitioners exploiting them by not paying equal pay for the work done, that the action of the Respondent in not arranging payment of over time allowance is illegal and unjust unconstitutional and against the welfare legislation.

7. The contention of the Respondent was that the dispute raised by the Shipping Employees Union, Visakhapatnam and the said Union has withdrawn the above dispute vide their letter dt. 28-9-1988, that there is no industrial dispute pending between the Petitioners Union and the Respondent and as such the question of adjudication of the alleged industrial dispute does not arise, that the Ship Supervisors referred in the reference in question are not workmen employed by the Respondent, that the Respondent engages ship supervisors, riggers on daily rated basis depending upon the exigencies of work of the ship supervisors, riggers, that the Ship supervisors, riggers are paid wages as notified from time to time, that the said persons are not entitled to any over time wages as they did not work over time, that they are engaged on shift basis and they are paid wages accordingly, that they are engaged for additional shift in a day as per the exigency of work and paid extra wages, that the persons engaged as Ship supervisors, Riggers cannot equate themselves with departmental labour and that Port Trust is different organisation and the Ship Supervisors cannot compare themselves with those engaged by the Port Trust, that the Ship Supervisors Riggers work for other stevedoring companies and they are governed by the same rules as are applicable to the Stevedoring Companies, that they are not workmen of the Respondent, and that they are paid in the same manner as they are paid by the other Stevedoring Companies.

8. Admittedly the Ship Supervisors and Riggers have been engaged by the Respondent Corporation for stevedoring work on daily rate wages and not as regular workers during the relevant period they work or when ship arrives. It is the admitted case of the Petitioners that the Respondent keeping them as workers on 'no work no pay' basis right from the beginning and they have been working like that. It is the admitted case of the Respondent that they have been engaged on shift basis and they are paid wages accordingly and that they are engaged for additional shift in a day as per the exigency of work and paid extra wages. It is admitted by W.W. 1 that they are not regular employees and that they will be engaged only when the ship comes and then they used to prepare the operational plan and also submit returns and that if there are no ships, they will not be engaged, that when he was engaged by the Balal and Mukerjee, they used to pay him as per the schedule notified by the Shipping Employees Federation, that the Federation work was payment per ship for their work, that while in the Mukerjee & Co., if he was engaged, he used to work for 24 hours even for one ship, there was occasion for him to work continuously for the second shift also and it is also not possible for anybody, that even he worked 24 hours, the payment was, on per ship basis and as fixed by the Employers Federation, that only when the ship comes, they will have work, that they do not pay any labour work

there, that they do work on operational arrangements only, that if there are no ships for a month or even for two months, he may not have any work for those two months, that they need not mark attendance with anybody every day that when ship comes either the department people will inform them or if they come to know, they may go for themselves, that since more than 1-1/2 years no ships have come and he is virtually without any work that as there are usually acquainted Supervisors to each and every company, he may not be engaged by other companies, that he was doing his business with Food Corporation of India since all these years, that there is no technical prohibition to work for anybody as every company has got their own man, they own ships supervisors, it is not possible for him to get any other company work, that they are paid by the F.C.I. as per the schedule of Shipping Employers Federation, that he does not know that over time allowance is being paid or not for other ships supervisors engaged by other company, that he cannot say whether other Companies are giving over time allowance to ship supervisors engaged by them or not, that to accommodate others he may work continuously for shifts also, that there is no appointment letter with him, that such authorisation letters will be issued by the other companies for their ship supervisors, that if there is work available they used to be engaged that the same is the case with Riggers and Boatmen, like them and they will be engaged along with them only if work is available that he is aware that the Union who sponsored their dispute namely the Shipping Employees Union as settled and withdrawn but he says that it is not binding on him and that he does not know the settlement but he knew it withdrawn.

9. The evidence of M.W. 1 was that if the ship arrives in harbour, the supervisors and riggers will approach the Respondent Corporation and ascertain whether there is work on contract basis and when they ask the supervisors to give an indent to bring workers from Dock Labour Board and Stevedore Pool Association to bring them on board to work, that after arrival of the ship, the Ship Supervisors will inform the position to the F.C.I. Officers on duty, that after completion of the work the Ship Supervisors will prepare the statements for the work turned out by them and send the same to the Respondent-Corporation for payment, that the work attended by the Ship Supervisors and Riggers relates to the operation of loading and unloading of the material in the ship, that the Ship Supervisors and Riggers will be required for work only on the arrival of the ship, that there are about 30 to 35 stevedores at present working in Visakhapatnam Port for loading and unloading operations, that the Ship Supervisors and Riggers working for the Respondent Corporation on contract basis, will also work with different other stevedores, that the Respondent Corporation has not given any appointment letters to the Supervisors and Riggers working in the stevedores, that the Supervisors engaged by the Respondent Corporation on contract basis are not entitled for any over time allowance that the rates payable to ship Supervisor and Riggers in stevedores will be fixed from time to time that the Shipping Employers Federation has not fixed any over time allowance for the work done by the Ship Supervisors and Riggers for the time worked by them above and be-

yond fixed hours, that they do not insist the Supervisors and Riggers that work in one shift to continue to work in the following shift and working in different shifts is the arrangement being made among themselves i.e. the Ship Supervisors and Riggers working in different shifts, that in stevedoring work of the Respondent-Corporation no Boatman and other casuals are working since 1984 and previously the Boatman used to work in the stevedores of the Respondent-Corporation.

10. It is elicited during the course of cross examination of M.W. 1 that the experienced Ship Supervisors and Riggers and Boatmen only are being engaged for Stevedoring Operations on contract basis, that no agreement or contract is being entered into between the Respondent Corporation and the Shipping Supervisors and Riggers and Boatmen for conducting stevedoring operations, that if the Ship Supervisors and Riggers, Boatmen work continuously in the next shift also, they will get remuneration payable by them in the next shift and any over time allowances.

11. As seen from the evidence brought on record in the evidence of W.W. 1 and M.W. 1, it is clear that the Ship Supervisors and Riggers have been working for stevedoring operation of loading and unloading the material in the ship as and when the ship arrives in the harbour either they having been called by the officers or they themselves having approached the concerned officers and receiving the remuneration for their work as fixed by the Shipping Employers Federation and during the periods when no ship arrives to the harbour, there used to be no work for these ship Supervisors and Riggers and they were not working for the Respondent-Corporation during the periods when the ships do not arrive. It is also clear from the evidence brought on record that the working of the Ship Supervisors and Riggers is on shift basis at the time of stevedoring operations are going on and the attendance of the Ship Supervisors and Riggers is being arranged by themselves and the Respondent-Corporation has nothing to do with it and they are being paid remuneration for working in the next shift also continuously as per the remuneration fixed by the Shipping Employers Federation. It is also clear from the evidence brought on record that the Ship Supervisors and Riggers are not employed by the Respondent Corporation as its employees for doing any continuous work as in the case of daily rated wage workers and on the other hand it is clear that they are engaged for completing a specific work of loading and unloading in stevedoring operations as and when ship arrives for which they are being paid the fixed remuneration for the fixed work they have done, at the rate as fixed by the Shipping Employers Federation. So the question of deeming Ship Supervisors and Riggers as regular employees or daily rated wage workers in the Respondent Corporation does not arise in this case, for them to claim over time allowance, in my opinion. Therefore, in view of the facts and circumstances of the case and in view of the nature of work for which the Ship Supervisors and Riggers are engaged and discharged by them, I am of opinion, that they are not entitled to claim over time allowance, for the particular piece of work they discharge. Admittedly they are being paid remunera-

tion depending upon the work discharged by them as fixed by the Shipping Employers Federation, on their submitting statement prepared by them and sent the same to the Respondent Corporation for payment. Hence I hold that the Shipping Supervisors and Riggers, and Boatmen who were working under the Ship Supervisors and Riggers are not entitled for any over time allowance. Hence I answer the point accordingly.

12. In the result, an Award is passed holding that the Petitioners i.e. the concerned workmen namely, Ship Supervisors, Riggers, Boatmen and other casuals are not entitled for any over time allowance or any other relief in this case. There will be no order as to costs.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 17th day of August, 1992.

G. KRISHNA RAO, Presiding Officer
Appendix of evidence.

Witnesses examined for
the Workmen.

W.W. 1 G. Gangadhar Rao.

Witnesses examined for the
Management.

M.W. 1 S. Vengateswar Rao.

Documents marked for the workmen

NIL

Documents marked for the Management

NIL

Sd.|-
(Illegible)
Presiding Officer

नई दिल्ली, 21 सितम्बर, 1992

का. आ. 2706.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भैसर्स सिंगरानी कोलियरी कं. लि. के प्रबन्धतंत्र के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/9/92 को प्राप्त हुआ था।

[संख्या एल-22012/246/91-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 21st September, 1992

S.O. 2706.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Singareni Colliery Co. Ltd. and their workmen, which was received by the Central Government on 17-9-1992.

[No. L-22012/246/91-JR(C-II)]
RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri G. Krishna Rao, B.A., B.L., Industrial Tribunal.

Thirty First day of July Nineteen Hundred Ninety Two

Industrial Dispute No. 2 of 1992

BETWEEN

The General Secretary,

Singareni Collieries Clerical Association (Ind.),

H. No. D-16, Kalyanikhani,

P.O. Adilabad,

Distt. (A.P.)-504231.

..Petitioner

AND

The General Manager,

M/s. Singareni Collieries Co., Ltd.,

Kothagudem,

Khammam Distt. (A.P.)-507101.

..Respondent

This case is coming for final hearing before me in the presence of M/s. K. Srinivasa Murthy, G. Sudha, S. Sandhya and P. V. K. K. Babu, Advocates for the Respondent—Management and the petitioner set exparte and upon perusing the material papers on record and having stood over for consideration till this day, the Court passed the following :

AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-22012/246/91-IR (C. II) dated 27-12-1991/8-1-1992 for adjudication of the industrial dispute between M/s. S.C. Co. Ltd., Kothagudem and their workmen setting forth the point for adjudication in the Schedule appended thereto, as follows :

"Whether the action of the Management of M/s. S.C. Co. Ltd., Kothagudem, is justified in dismissing Shri M. Verkary, Clerk Gr. I from services w.e.f. 23-12-1986? If not, to what relief the workmen concerned is entitled to?"

The said reference was registered as Industrial Dispute No. 2 of 1992 on the file of this Tribunal. After receiving the notice of this Tribunal, the Respondent put in appearance and one Advocate by name Sri K. Srinivas offered to appear for the Petitioner and later he did not file vakalat for the Petitioner and the Petitioner remained exparte.

2. The Petitioner did not file any claim statement setting forth the claims. The Respondent also did not file counter and the Respondent filed a Memo stating that the Union has not evinced any interest to file its claims statement and as such the Management will not be in a position to file any counter and that this Hon'ble Court may be pleased to pass a nil award.

3. The Petitioner did not take any interest to prosecute his case and the Petitioner did not appear

before the Tribunal and did not file any claim statement and he also did not choose to adduce any evidence before this Tribunal. Likewise the Respondent also did not file any counter and did not choose to adduce any evidence on its behalf. In view of the conduct of the parties, there is no material brought on record to establish their respective case and there is no material available on record to decide the matter on merits. Under the circumstances of the case, it cannot be said that the Petitioner has established his case in respect of his claim as referred to this Tribunal for adjudication in the reference. Therefore, I hold that the petitioner is not entitled for any relief in this case.

4. In the result, an Award is passed holding that the concerned workman Sri M. Venkaty, Grade I Clerk is not entitled for any relief in this case. There will be no order as to costs.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 31st day of July, 1992.

G. KRISHNA RAO, Presiding Officer.
Appendix of Evidence
NIL

Sd/- (Illegible)
Presiding Officer.

नई दिल्ली, 21 सितम्बर, 1992

का. आ. 2707.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कारपोरेशन आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/9/92 को प्राप्त हुआ था।

[संख्या एल-42012/11/86-डी-V/डी-II (बी)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 21st September, 1992

S.O. 2707.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 17-9-1992.

(No. L-42012/11/86-V/D.II(B))
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri G. Krishna Rao, B.A., B.L., Industrial Tribunal.
Twentyfifth day of July Nineteen Hunderd Ninety Two

INDUSTRIAL DISPUTE NO. 61 OF 1990

BETWEEN

The Workmen of Food Corporation of
India, Kurnool (A.P.) .. Petitioner

AND

1. The Senior Regional Manager, Food Corporation of India, Hyderabad.
2. The District Manager, Food Corporation of India, Kurnool (A.P.) RESPONDENTS

This case is coming for final hearing before me in the presence of M/s. G. Bikshapathi, G. Vidya Sagar, Vishwanatham, N. Vinesh Raj and P. Giri Krishna, Advocates for the Petitioner-workmen and Sri K. Satyanarayana Rao, Advocate for the Respondent No. 2 and Respondent No. 1 set exparte and upon perusing the material papers on record and having stood over for consideration till this day, the Court Passed the following :

AWARD

This is a reference made by the Government of India, Ministry of Labour by its Order No. L-42012/11/86-D.V/D.II.B dt. 19-10-1990 for adjudication of the industrial dispute between the Management of Food Corporation of India, Kurnool and their workmen setting forth the point for adjudication in the schedule appended thereto as follows :

"Whether the Management of Food Corporation of India, Kurnool (A.P.) are justified in not giving an opportunity in terms of Section 25H of the Industrial Disputes Act, 1947 to Sri S. Asmathulla, a retrenched daily rated watchman? If not, to what relief the workman concerned is entitled?"

The said reference was registered as I.D. No. 61 of 1990 on the file of this Tribunal. After receiving the notice both the parties Petitioner and Respondent No. 2 put in their appearance and Respondent No. 1 remained exparte, and the Petitioner filed the claim statement on 16-5-1991 and the Respondent No. 2 filed the counter on 17-6-1991.

2. The averments of the claim statement filed by the Petitioner read as follows :

It is submitted that the Petitioner was appointed as Watchman on daily wage rate basis. The Food Corporation of India is engaged in procurement of paddy in Andhra Pradesh. During 1973 to 1976 there was a heavy procurement programme consequent on bumper crop in Andhra Pradesh. However, recruitment for the categories of watchman, sweepers, assistants (Depot) etc. were made on daily rate basis. Subsequently Food Corporation of India has issued instructions to regularise the service of daily rated employees with effect from 8-1-1976 onwards. In respect of employees who were terminated from service, an amendment to F.C.I. Employees Service Regulations was introduced in February, 1976 to the effect that the employees who were recruited on daily rated basis should also be considered for appointment against direct recruitment along with the candidates sponsored by the Employment Exchange. It is submitted that the petitioner worked as watchman from 21-9-76 to 17-1-77 and his services were disengaged without any

notice or without any reason. Consequent on the termination of the services the petitioner made representation to the Management for taking him into service in the regular vacancies. However his case was not considered for the reasons best known to the Management. Aggrieved by the inaction on the part of the Management the petitioner moved the conciliation machinery under Industrial Disputes Act which culminated in present reference to this Hon'ble Tribunal. It is submitted that although there were regular vacancies the Petitioner was taken on daily rate basis. He was performing duties of regular employees. While so, his services were terminated without notice or notice Pay with effect from 17-1-1977. Subsequent to the termination of the Petitioner number of vacancies have arisen in the category of watchmen-sweeper etc. However, the petitioner was not offered employment. Thus, the action of the Respondent Management is illegal and arbitrary in not considering the petitioner for employment. It is submitted that similarly situated employees have been offered employment and the services were regularised whereas the petitioner was not given similar treatment. It is submitted that some of the employees whose services were terminated has approached this Hon'ble Tribunal in I.D. No. 81/84 and batch and this Hon'ble Tribunal was pleased to direct the respondent Management to take the workman into service. The Respondent has complied with the award of this Hon'ble Tribunal. However the petitioner was not given similar treatment. It is submitted that even now there are vacancies in the Respondent establishment and petitioner is entitled to be considered on preferential basis. It is submitted that ever since the termination from service the petitioner could not secure any alternate employment in spite of his best efforts. It is therefore prayed that the Hon'ble Tribunal may be pleased to hold that the action of the Management in not giving the opportunity to the petitioner for appointment is illegal and arbitrary and consequently direct the Management to take the workman into service as Watchman with other benefit and pass such further order or orders as this Hon'ble Tribunal deems fit and proper in the circumstances of the case.

3. The averments of the counter filed by the Respondent No. 2 read as follows :

The Respondent herein does not admit any of the allegations made by the Petitioner in the claim statement except those which are specifically admitted hereunder. The petitioner is put to strict proof of all the material allegations which are not so admitted hereunder. It is submitted that the Respondent Corporation filed review petition against the orders in W.P. No. 14051 of 1987 filed by the petitioner with regard to the above reference. The Review petition filed by the Respondent Corporation against the orders passed in the above writ petition is still pending and the matter is subjudice. The reference of the above I.D. for adjudication is contrary to law. That apart the petitioner worked in the Respondent Corporation between the period 21-9-1976 and 16-1-1977 intermittently. The petitioner worked for 118 days since the petitioner did not work for 240 days, the provisions of Section 25(H) are not attracted

and the petitioner cannot claim any benefit under the section and as such the reference as made is also wrong. The Industrial Dispute as referred is not maintainable either in law or on facts. The reference made by an order dated 19-10-1990 by the Government of India is wholly illegal and contrary to the principles of natural justice. The Government of India did not give any opportunity to the Respondent Corporation before making the reference of the above Industrial Dispute. On that preliminary ground itself the Industrial dispute is liable to be rejected. The petitioner was engaged as watchman on daily rated basis on the basis of exigencies of work between 21-9-76 to 16-1-77. The petitioner could not be engaged after 16-1-1977 as there was no requirement of daily rated casual labour particularly the watch and ward staff. The petitioner could not be considered for a permanent appointment as the petitioner was not sponsored by the employment exchange. The contention of the petitioner that the respondent corporation issued instructions to regularise the services of the daily rated employees with effect from 8-1-1976 onwards is not true and correct. The circular dated 20-12-1977 stated that where the officials who have been taken on daily rated time scale after 8-1-1976 are to be regularised from the date of joining of the post, in case the officials have been sponsored by the employment exchange and complied with educational qualifications, age etc. As already stated the petitioner was not sponsored by the employment exchange. As such he could not be considered. The petitioner was engaged last on 17-1-1977 and thereafter the petitioner never protested and after long lapse of over 13 years the above reference has been made. The above reference suffers from laches. The above dispute cannot be treated as an Industrial Dispute. The non-engagement of the petitioner was only due to non-availability of work, and the petitioner cannot be brought in terms of section 25(H) of the Industrial Disputes Act. In I.D. No. 81 of 1984 in batch this Hon'ble Court directed the Respondents to take the workmen into service and that the petitioner was not given similar treatment is not true and correct. The petitioner was not a party to the said Industrial Dispute. The facts in the said Industrial Disputes are totally different to the facts of the present case and it has no application. The petitioner is not entitled to any relief, as he did not qualify unlike those watchman.

The contention that there were regular vacancies however the petitioner is taken on daily rated basis is not true and correct. The contention that the petitioner was terminated without notice is not correct. The petitioner could not be engaged subsequent to 17-1-77 as there were no vacancies. The action of the management is legal, valid and proper and does not suffer from any infirmity. The petitioner is not entitled to

any relief. The contentions raised in para 5 of the claim statement are not true and correct, the services of those officials who were sponsored by E.E. and selected in interview were only appointed and afterwards regularised such officials service only. In the case of petitioner such an eventuality does not arise. Under these circumstances the Respondent herein prays that this Hon'ble Tribunal may be pleased to reject the reference and pass a nil award.

4. The petitioner examined himself as W.W. 1 and the Petitioner's side was closed Exs. W1 to W6 were marked for the Petitioner. M.W. 1 was examined on behalf of the second Respondent and the second Respondent's side was closed. Exs. M1 was marked for the Second Respondent.

5. The point for adjudication is whether the Management of Food Corporation of India, Kurnool (A.P.) are justified in not giving an opportunity in terms of Section 25H of the Industrial Disputes Act, 1947 to Sri S. Asmathulla, a retrenched daily rated watchman? If not, to what relief the workman concerned is entitled?

6. POINT : The admitted facts of the case are that the petitioner was appointed as a Watchman on daily rated basis along with four others under the Food Corporation of India by the second Respondent by his Order dated 21-9-1976 in Ex. W1, that the Petitioner worked as Watchman till 17-1-1977 from which date he was terminated from service along with 19 others by the Order of the second Respondent in Ex. W2 dt. 16-1-1977. The contention of the Petitioner was not that he is entitled for reinstatement on the ground that he worked for more than 240 days continuously within the period of 12 months immediately prior to the date of his retrenchment. The contention raised by the Petitioner was that he is entitled for re-employment as per the provisions of Section 25-H of the I.D. Act and that the Respondent did not offer re-employment in the vacancies fell subsequent to the date of his retrenchment from service. The question that falls for consideration in this case is whether any vacancy of the job in which the petitioner worked arose subsequent to his retrenchment as per the order in Ex. W2. Admittedly the Petitioner was appointed on daily rate wage under Ex. W1 Order along with four others. As seen from Ex. W1 the name of the petitioner was noted at S. No. 2 among the persons that were appointed under Ex. W1 as Watchman at hired godowns, Kurnool. As seen from Ex. W2, 20 persons including the petitioner were terminated with effect from 17-1-1977 (FN) and the name of the petitioner was noted at S. No. 6 in Ex. W2. The evidence of W.W. 1 does not disclose if any additional godowns were hired by the Respondent-Corporation besides the permanent godowns and if any watchman were appointed for the hired godowns after his services were terminated. On the other hand, it is elicited during the course of cross-examination of W.W. 1 that during the year 1976 bumper crops were received by the Respondent-Corporation, that there were watchman appointed for the permanent godowns, that he does not know how many permanent godowns are there for the Respondent-Corporation, that he does not know if any additional godowns were hired by the Respondent Corporation during that period and

that he worked at the hired godowns. Though the Petitioner as W.W.1 admitted at one stage during the course of cross examination that there were permanent watchman appointed for the permanent godowns, later in the same cross examination he state that there were no permanent godowns for the Respondent-Corporation. This self-contradicting evidence of W.W.1 creates a doubt about the truthfulness of the witness. Though he stated in cross examination that none of the hired godowns were closed, he did not speak anything about appointing other watchman immediately on his disengagement to watch hired godowns which were not closed according to him. Nothing is brought on record by the Petitioner to establish that subsequent to his termination, some watchman on daily rate wages were appointed at any of the hired godowns. Admittedly according to the appointment order in Ex. W1, the Petitioner was appointed on daily rate wages as watchman at hired godowns. So if it is established by the petitioner that subsequent to his termination some watchman were employed at hired godowns on daily rate wages, the post he was holding prior to his termination from service, then only provisions of Section 25-H will be attracted for considering re-employment of petitioners, in my opinion. One of the conditions for considering re-employment of the retrenched workmen as per Section 25-H of the I.D. Act is that he should have been retrenched from the same category of service in the industrial establishments in which the re-employment is proposed. In the present case, nothing is brought on record by the Petitioner that there was employment made by the Respondent in regard to watchman in hired godowns on daily rate wage basis for which work the petitioner was appointed under Ex. W1, for the petitioner to claim that he is entitled for the preference of re-employment in the same category of service. If the appointments were made for the regular posts as per the rules through the media of Employment Exchange, it cannot be said that the Petitioner who was appointed on daily rate wages as Watchman in the hired godowns, is entitled for preference in re-employment as contemplated under Section 25-H of the I.D. Act, as the regular appointment made through the media of Employment Exchange does not fall under the category of appointment on daily rate wages at hired godowns, in my opinion. It has been held in D. M. VISWAMBARAN v. STATE OF KERALA (1983 Lab. I.C. Page 369) by the Division Bench of the Kerala High Court that the rights of the temporary workmen under Section 25-H of the I.D. Act cannot operate to defeat the Constitutional rights of recruits appointed by the Public Service Commission. It is clear from the evidence brought on record that it is not established by the petitioner that the 2nd Respondent employed any watchman on daily rate wages at hired godowns, which post the Petitioner held prior to the termination of his service by the 2nd Respondent and that the Respondents did not give an opportunity to him to offer himself for the said re-employment for the said post. Admittedly, the petitioner moved the conciliation proceedings in this matter for the first time in the year 1985. It is not the case of the petitioner that he approached the Respondents at any time before he moved the conciliation before the concerned authorities in 1985. So in view of my

above discussion, I am of opinion, that the petitioner could not establish his case that he was not given opportunity by the Respondents to offer himself for the re-employment in the same post from which he was terminated. Therefore, I am of opinion, that it cannot be said that the Respondents did not give an opportunity in terms of Section 25-H of the I.D. Act to the Petitioner. In view of the mandatory provisions of Section 25-H, I am of opinion, that it is reasonable to direct the second Respondent to give an opportunity to the Petitioner for re-employment if the second Respondent proposes to employ any watchman on daily rate wages at hired godowns in future. Hence I answer the point accordingly.

7. In the result, an Award is passed holding that the Petitioner failed to establish that he second Respondent employed any watchman on daily rate wages for hired godowns, subsequent to the date of petitioner's termination from service and that the second Respondent did not give him an opportunity for re-employment in such appointments, if any, made by the Second Respondent, as per the provisions of Section 25-H of the Industrial Disputes Act. However, the second Respondent is directed to give an opportunity to the petitioner for re-employment in future as per the provisions of Section 25-H of the I.D. Act, in case he proposes to employ any watchman on daily rate wages for hired godowns, I hold that the Petitioner is not entitled for any relief against the first Respondent. There will be no order as to the costs under the facts and circumstances of the case.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 25th day of July, 1992.

G. KRISHNA RAO, Presiding Officer.

Appendix of Evidence

Witnesses examined for the Petitioner.
W.W.1 S. Asmathulla.

Witnesses examined for the Respondent.
M.W.1 K. V.V. S. Murthy.

Documents marked for the Petitioner

- Ex. W1|21-9-1976.—Appointment order issued by the District Manager, Kurnool to S. Asmathulla and other as Watchman on daily rate basis.
- Ex. W2|18-1-1977.—Photostat copy of the termination order issued by the District Manager, F.C.I., Kurnool to S. Asmathulla and others.
- Ex. W3.—Copy of the representation submitted by S. Asmathulla to the Asstt. Labour Commissioner(C), Hyderabad.
- Ex. W4.—Acknowledgement card addressed to A.L.C.(C), Hyderabad.
- Ex. W5|20-12-1985.—Copy of the minutes of conciliation proceedings between the workmen and the Management of F.C.I., Kurnool before A.L.C.(C), Hyderabad.

Ex. W6|16-1-1986.—Copy of the failure report submitted by the A.L.C. (Central) Hyderabad to the Secretary to Govt. of India, Ministry of Labour, New Delhi with regard to S. Asmathulla, Ex-Watchman.

Documents marked for the Respondent

Ex. M1|11-2-1976.—Photostat copy of Lr. No. 4-8|75-EP dated 11-2-1976 from F.C.I., H. O. New Delhi addressed to Senior Regional Manager, F.C.I., Hyderabad.

Sd/- (Illegible)
Presiding Officer.

नई दिल्ली, 21 सितम्बर, 1992

का. आ. 2708.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कॉर्पोरेशन ऑफ इंडिया के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-92 को प्राप्त हुआ था।

[संख्या एल-31(33)86-कोल-I/डी-II (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 21st September, 1992

S.O. 2708.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 17-9-1992.

[No. L-31(33)|86-Coal. I|D-II(B)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri G. Krishna Rao, B.A., B.L., Industrial Tribunal.

Twenty Second day of July Nineteen Hundred
Ninety Two

Industrial Dispute No. 51 of 1986

BETWEEN

The Workmen of Food Corporation of India
Nalgonda.—Petitioner.

AND

The Management of Food Corporation of India,
Nalgonda.—Respondent.

This case is coming for final hearing before me in the presence of Sarvasri Bikshapatti, G. Vidyasagar and V. Vishwanatham, Advocates for the Petitioner and Sri K. Satyanarayana Rao, Advocate for the Respondent and upon perusing the material papers on

record and having stood over for consideration till this day, the Court passed the following :

AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-31 (33)/86-Con. I/D.II(B) dated 24-11-1986 for adjudication of the dispute between the Management of Food Corporation of India, Nalgonda and their workmen setting forth the point for adjudication in the Schedule appended there to as follows :

"Whether the action on the part of the Management of M/s. Food Corporation of India discontinuing the employment of 38 Hamali workers engaged in the operation of handling of food grain in Mandapalli Depot by entrusting the said work to a contractor with effect from 14-9-1980 which ultimately resulted in the un-employment of these 38 workers on 2-1-1985 is legal and justifiable? If not, to what relief these 38 workers, whose names are listed in the Annexure 'A' are entitled?

ANNEXURE 'A'

1. Konne Gouriah S/o. Mallaiah.
2. Wettipalli Kistiah S/o. Narsaiah.
3. Simham Pedda Rajaiah S/o. Narasiah.
4. Simham Chinna Rajaiah S/o. Chinna Narasaiah.
5. Murthula Prabhakar Reddy S/o. Anpl Reddi.
6. Mallela Rajaiah S/o. Estarl.
7. Palle Narasiah S/o. Durgaih.
8. Simham Ramulu S/o. Beerappa.
9. Vaitipalli Narasiah S/o. Ramulu.
10. Tota Sivarajaiah S/o. Pappaih.
11. Kuppala Ramulu S/o. Narasiah.
12. Mapu Ramulu S/o. Rama Mallaiah.
13. Budiga Beerappa S/o. Malliah.
14. Kongeri Somaiah S/o. Ramaiah.
15. Koolla Rosaiah S/o. Bishapathi.
16. Kandula Mallaiah S/o. Ramaiah.
17. Vasmuri Yadagiri S/o. Mallaiah.
18. Gowri Chandaiah S/o. Bikkaiah.
19. Maila Mlaiah S/o. Sayulu.
20. Banda Parvathalu S/o. Mallaiah.
21. Maaga Kommariiah S/o. Kistiah.
22. Bandi Siddaiah S/o. Kistiah.
23. Mange Sayulu S/o. Kistiah.
24. Mekala Komariaha S/o. Iyclaiah.
25. Gowd Malluan S/o. Narasiah.
26. Jukanti Beerappa S/o. Bakkiiah.
27. Eigidi Chinna Yadagiri S/o. Laxmaiah.
28. Gunti Kondiah S/o. Mallaiah.
29. Bodapatla Iyaliah S/o. Balaiah.
30. Pottalli Narasiah S/o. Sayila Mallaiah.
31. Eridi Beeramalaiah S/o. Yadagiri.
32. Jukanti Rajaiah S/o. Eswariah.
33. Jukanti Kistiah S/o. Ramaiah.
34. Vanti Bikshapathi S/o. Siddaiah.

35. Jukanti Ramulu S/o. Yellaiah.
36. Banda Beerappa S/o. Laxmaiah.
37. Seela Beerappa S/o. Eeriah.
38. Beerla Chandraiah S/o. Beeraiah."

The said reference was registered as I.D. No. 51 of 1986 on the file of this Tribunal. After received the notices both parties put in their appearance and the Petitioner filed the claim statement on 22-12-1986 and the Respondent filed the counter on 21-8-1987.

2. The averments of the claim statement filed by the Petitioner read as follows :

It is submitted that the Petitioner is a Trade Union have been registered under the Trade Union Act. The workman numbering 38 mentioned in the annexure to the reference members of the Petitioner-Union were working as Hamals for loading and unloading operations of the F.C.I. at Mandanapalli Depot for the last several years. It is submitted that the F.C.I. is having a modern rice mill at Miryalguda in Nalgonda District where food grains are stocked. For the purpose of loading and unloading operations, the F.C.I. engages hamals at local level. The said 38 workmen were working as Hamals who were employed for loading and unloading of stocks of food grains at Mandanapalli near Aler. The said godown was established in the year 1976 and ever since the establishment of the godown at Mandanapalli, the workmen concerned in the dispute have been working as Hamals. The payments are made by the F.C.I. directly or sometimes through artificially created intermediary agency. The workmen were being paid on piece-rate basis. As per procedure which is being followed in the F.C.I. the Hamals are engaged at local level where godowns are situated and they are being engaged continuously throughout the year. The piece rate system is being adopted only in the case of the workmen engaged by the F.C.I. as Hamals for loading and unloading operations. These workmen have been permanently attached to the godowns and they were engaged for the handling and transport operations ever since 1976. All the workmen concerned are engaged in the F.C.I. and therefore, they would come within the definition of 'workmen' under the I.D. Act. While the matter stood thus, they were disengaged from 2-1-1985. The Respondents have not given any notice nor paid any retrenchment compensation as required under the provisions of the I.D. Act. Since they fulfil the definition of workmen and they have been working continuously for the last several years, from 1976 onwards, their services cannot be terminated without giving any notice as required under Section 25-F of the I.D. Act. Therefore, the action of the management in disengaging the workmen from 2-1-1985 amounts to retrenchment within the meaning of Section 2(oo) of the I.D. Act and consequently their termination is to be held illegal for violation of Section 25-F of the I.D. Act. It is further submitted that the workmen were working directly under the F.C.I. and the employer being the F.C.I. the responsibility for illegal termination lies upon the employer and not on any other third party. It is also submitted that during the year 1985, the management allotted the work of handling and transport to one Sri Ravi Kumar thereby terminating the

services of the workmen abruptly. The Respondents did not possess any licence under the provisions of the Contract Labour Abolition Act or the said Shri Ravi Kumar had any licence under the said statute. Further it is submitted that handling and transport work is one of the integral and perennial nature of works connected with the F.C.I. organisation and therefore, the said nature of works cannot be entrusted to contractors, much less under the provisions of the Contract Labour Abolition Act. The said statute also prohibits the engagement of contract labour on works of regular and perennial nature. When the said Contractor tried to engage his own labour from 2-1-1985, the petitioners herein filed Writ Petition No. 533/85 before the Hon'ble A.P. High Court and obtained an interim injunction that the Hammals who are being engaged hither to shall continue to be engaged subject to availability of work. Finally the said Writ Petition was disposed of with a direction that the petitioners can seek appropriate remedy under the provisions of the I.D. Act and as the matter relates to disputed question of facts which cannot be gone into the Hon'ble High Court. Thereafter the Petitioner-Union raised conciliation proceedings before the Regional Labour Commissioner, Central and on a failure report being sent by the said Commissioner, the Govt. has made the present reference. It is submitted that by virtue of the illegal action committed by the Respondent, the workman concerned in the dispute are thrown out of employment and they were made to suffer unemployment without any fault on their part. The termination effected by the management and the contract system entrusted to the contractor, an outside agency, is wholly illegal and contrary to law. The workmen were getting Rs. 400.00 p.m. on an average as their service condition was that they were being paid on piece-rate system. They have been

denied their rightful wages from 2-1-1985. They would not eke out their livelihood as work of handling and transport was handled by a contractor through his own labour. The F.C.I. has paid huge amount of money to the said contractor by way of charges for loading and unloading operations. But for the illegal action of the Respondent, the said money would have gone to the workmen concerned in this dispute. It is, therefore, prayed that the Hon'ble Court may be pleased to hold that the action of the Respondent in discontinuing the employment of 38 Hamals-workers from 2-1-1985 as illegal and unjustified and consequently direct the Management to engage them as Hamal workers immediately and also pay them back wages from 2-1-1985 at the rate of Rs. 400.00 p.m. to each workman and grant such other relief or reliefs as deemed fit and proper in the circumstances of the case.

3. The averments of the counter filed by the Respondent read as follows :

The Respondent herein deny all the allegations made in the claim statement except those which are specifically admitted hereunder. The petitioners are put to strict proof of all the material allegations. At the outset, it is submitted that the alleged Industrial Dispute raised is not maintainable either in law or on facts. The Respondent Corporation never employed the alleged 38 Hamal workers at any time. There is no master and servant relationship between the Respondent Corporation and the 38 alleged Hamal workers. The Respondent Corporation entrusted the handling and transporting operations to independent contractors after calling for tenders except for a brief period of about (3) months from 15-6-1981 to 27-9-1981 when the work was got done through a Maistry. The following contractors were appointed during the last 7 years.

Sl. Name of the Party No.	Name of the contractor whether adhoc or contract	Initial upto	Extended
1. Shri J. Eswara Rao, Vijayawada	Adhoc—6 months	15-9-80 to 14-3-81	3 months 15-3-81 to 14-6-81.
2. Sri Departmental through	Maistry 15-6-81 to 27-9-81		
3. Sri K. Gowariah Hamali Office, Aler	Adhoc—6 months	28-9-81 to 27-3-82	3 months 28-3-82 to 27-6-82
4. Sri J. Seetharaman-Janeyulu	Adhoc—6 months		28-6-82 to 27-12-82
5. Gowriah, Hamali Office, Aler	2 years		28-12-82 to 27-12-84
6. P. Ravikumar Chityal			1-1-85 to 31-12-86
7. Labour Contract Coop. Soc. Kolapak, Aler	Regular 2 years		1-1-87

From the above, it is clear that the Respondent Corporation never employed the alleged hamal workers at any time. The Mandanapalli Depot, Aler, was established on 6-10-78. In the initial stages, temporary contractors were entrusted with the work as the work was less. Since the petitioners were not employed, by the respondent Corporation, they are not workmen within the meaning of the Section 2(s) of the Industrial Disputes Act. And as such, the above Industrial Dispute is not maintainable, either in law or on facts. As the petitioners were never employed by the Respondent at any time, the question of payment of retrenchment compensation and notice pay does not arise. The Respondent herein is having a licence under the

Contract Labour (Abolition & Regulations) Act for engaging the contractors. The work of handling and transporting are not regular and perennial in nature. The work of handling and transporting are of intermittent in nature. The contract labour Abolition and Regulation Act is a Special enactment and the disputes that arise under the said act cannot be settled under the provisions of the Industrial Disputes Act. The petitioners filed Writ Petition No. 537/85, against the respondents and one Sri Pentangi Ravi Kumar, Handling & Transport Contractor for refusing to engage the 38 alleged Hamalies. The above Writ Petition was disposed of with a direction that to parties to seek alternative remedy. It was made

clear that in the said Judgement that the Respondents are entitled to urge before the Tribunal that the relationship between the parties is not that of a Master and Servant emanable to the jurisdiction of the Industrial Tribunal. Therefore, the jurisdictional issue may be decided as a preliminary issue. The Respondents reserves the right to file additional counter as and when necessary. In view of what has been stated above, the Hon'ble Tribunal may be pleased to hold that the above dispute is not an Industrial Dispute reject the reference and pass a nil award.

4. W.W. 1 and W.W. 2 were examined for the Petitioner and the Petitioner's side was closed. Exs. W1 and W2 were marked for the Petitioner. M.W. 1 and M.W. 2 were examined for the Respondent and the Respondent's side was closed. Exs. M1 to M35 were marked for the Respondent.

5. The point for adjudication is whether the action on the part of the Management of Food Corporation of India discontinuing the employment of the 38 hamali workers engaged in the operation of handling of food-grain in Mandanipalli Depot by entrusting the said work to a contractor with effect from 14-9-1980 which ultimately resulted in the unemployment of these 38 workers on 2-1-1985 is legal and justifiable? If not, to what relief these 38 workers, whose names are listed in the Annexure 'A' are entitled.

6. POINT : The undisputed facts of the case are that the Respondent-Corporation established godowns in Mandanapalli area in the year 1978 and ever since then the loading and unloading work was being done by the hamalies involved in this dispute and it is also not in dispute that they are employed in the beginning by the Respondent-Corporation and from 1980 they were being employed through Contractor. It is also not in dispute that the 38 hamalies involved in this industrial dispute were discontinued to be engaged with effect from 2-1-1985 by the Contractor Ravi Kumar to whom the contract was given by the Respondent-Corporation w.e.f. 28-12-1984. The dispute under reference for adjudication in this case is whether the action on the part of the Management of M's. Food Corporation of India discontinuing the employment of 38 hamalies engaged in the operation of handling of foodgrains in Mandanapalli Depot by entrusting the said work to a contractor w.e.f. 14-9-80 which ultimately resulted in unemployment of these 38 workers on 2-1-1985 is legal and justifiable. So the point that false for consideration is whether the contracts entered into between the Contractors and the Respondent Corporation prior to 28-12-1984 are valid or not and whether the said 38 workers are to be treated as the workers under the Contractor or the workers under the principal employer i.e. the Respondent Corporation during that period and whether they are entitled to be engaged even after 28-12-1984 by the Respondent-Corporation as contended by the Petitioner.

7. It is contended by the learned counsel for the petitioner that the contractors to whom the Respondent entrusted the work of loading and unloading have not obtained the licence under the provisions of the Contractor Labour (Regulations & Abolition) Act, 1970 and therefore the 38 workmen who were ap-

pointed through the Contractor according to the Respondent-Corporation, are deemed to be the employees of the Respondent-Corporation and they should be treated as employees of the Respondent-Corporation under law and therefore the said workmen involved in this industrial dispute are employees under the principal employer i.e. the Respondent Corporation and so the disengagement of the said 38 workmen by the Respondent Corporation amounts to retrenchment as defined under Section 2(oo) of the I.D. Act, and the retrenchment without complying with the mandatory provisions of Section 25-F of the I.D. Act is invalid under law and therefore the said 38 workmen are entitled for reinstatement. In support of this contention, the learned counsel for the Petitioner relied on the ruling reported in Food Corporation of India v. Presiding Officer, Central Government Industrial Tribunal, Chandigarh and another (I) wherein it was held :

"Every worker who works for a principal employer to whom the provisions of Contract Labour Act are attracted, is to be treated as the worker of the principal employer unless two conditions are satisfied :—(i) that the establishment had secured a certificate of registration for the relevant period, and (ii) it had employed contract labour through a licenced contractor. If either of the conditions is missing then the contract labour employed through the contractor shall be treated to be a 'worker' of the employer".

The learned counsel for the Petitioner also cited a ruling reported in Food Corporation of India Workers' Union and Food Corporation of India and others (II) wherein it was held :

"It is evident that (i) the principal employer should obtain a Certificate of Registration and (ii) the workmen can be employed on contract labour basis only through licenced contractor. The Certificate of Registration is required to be obtained by the principal employer, issued by the appropriate Government under the provisions of Section 7 of the Act. The licence is to be obtained by the contractors under the provisions of Section 12 of the Act. The workman can be employed as contract labour only through licenced contractors. Unless both these conditions are complied with, the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 would not be attracted. Both these conditions are required to be fulfilled, if one wishes to avail of the provisions of the Act. Even if one of the conditions is not complied with, the provisions of the Contract Labour (Regulation & Abolition) Act, 1970 would not be attracted. Therefore, in a situation wherein either of these two conditions is not satisfied, the position would be that a workman employed by an intermediary would be deemed to have been employed by the principal employer.

(I) 1987 (2) SLR, page 478 Punjab & Haryana High Court

(II) 1990 (61) FLR page 253 Gujarat High Court.

In the result it is declared that during the period when the two conditions of obtaining registration under Section 7 by the Principal employer and of holding licence by the contractor are not complied with and the workmen are employed by contractor, the workmen can claim to be direct employees of the principal employer”.

As against this contention of the learned counsel for the petitioner and the above referred two rulings cited by him, the learned counsel for the Respondent cited a ruling reported in *The Workmen of Food Corporation of India Vs. M/s. Food Corporation of India* (1) wherein it was held :

“The Food Corporation of India adopted different methods at different places for employing labour for handling foodgrains, initially a contractor was engaged by the Corporation for handling storage and transit of foodgrains at one depot. Subsequently, by a negotiations and settlements, the contract system was abolished and the workmen were directly paid the wages, presumably at piece rate for the service rendered by them by the Corporation. A further attempt was made to bring about a basic change, in the system by reinducting the intermediary contractor. This attempt to change the status of the workman from being workmen of the Corporation to becoming the labour employed by the contractor was resisted by Food Corporation of India Workers' Union and it led to negotiations between the Corporation and the Union resulting in a settlement. The Corporation addressed communication No. 1-50(38)/78-Labour dated April 28, 1973 to its various Regional Managers pointing out therein that the procedure in respect of direct payment to labourers laid down in the communication shall be followed. From March 10, 1975 the Corporation however, changed the method of payment superseding the direct payment system and reintroducing contractor system and that too without giving any notice of change as contemplated by S.9A of the Industrial Disputes Act, 1947. As a direct consequence of the change, the Corporation discontinued employment of 464 workmen attached to that Depot and brought in the intermediary contractor and treated the above mentioned workmen as the workmen employed by the contractor. The Union protested against this illegal action alleging that apart from being an unfair labour practice, the change-over was illegal and vindictive and malicious in character, an industrial dispute in this behalf raised by the Union was referred by the Central Government to the Industrial Tribunal, under S.10 of the I.D. Act for adjudication. The Tribunal held that reintroduction of the contractor system in 1975 did not constitute discontinuance of the services of the affected workmen. In

accordance with these findings, the Tribunal negatived the claim of the workmen and made the award of that effect. On appeal in special leave.

Held (1) that the abolition of the contract system and the introduction of direct payment system brought about a basic qualitative change in the relationship between the Corporation and the workmen engaged for handling foodgrains. On the disappearance of the intermediary contractor, a direct relationship of master and servant came into existence between the Corporation and the workmen.

(2) that any termination of service contrary to the provisions of the Standing Orders and the provisions of the I.D. Act, 1947 would be void. When workmen working under as employer were told that they had ceased to be the workmen of that employer and had become workmen of another employer namely, the contractor in this case, in legal parlance such an act of the first employer constituted discharge, termination of service or retrenchment by whatsoever name called and a fresh employment by another employer namely, the contractor. If the termination of service by the first employer was contrary to the well established legal position, the effect of the employment by the second employer was wholly irrelevant. The action of introducing so as to displace the contract of service between the Corporation and the workmen would be illegal and invalid and abinitio void. When once such workmen became the workmen of the Corporation it was not open to the Corporation to induct a contractor and treat its workmen of the contractor.

(3) that after introducing the direct payment system agreed to between the parties, if the Corporation of the employer wanted to introduce a change in respect of any of the matters set out in Fourth Schedule, it was obligatory to give a notice of change. By cancelling the direct payment system and introducing the contractor, both the wages and the mode of payment are being altered to the disadvantage of the workmen. Therefore, obviously a notice of change was must before introducing the change, otherwise it would be an illegal change. Any such illegal change invites a penalty under S.31(2) of the I.D. Act 1947. Such a change which was punishable as a Criminal offence would obviously be an illegal change. This an illegal change would be wholly ineffective. Scope of S.9-A I.D. Act explained.

(B) The essential condition of a person being a workman within the terms of the definition is that he should be employed to do the work in that industry and that there should be, in other words, an employment of his by the employer and that there should be a relationship between the employer and him as between employer and employees or master and servant, unless a person is thus employed, there can be no question of his being a 'workmen' within the definition of the terms as contained in the Act.

(C) Constitution of India, Arts. 12, 14- "Other authority"—Food Corporation of India is an instrumentality of the State in the expression "other authority" in Art. 12—

Action of Corporation arbitrary—It will be struck down as being violative of Art. 14 [Food Corporation Act (37 of 1964), S.3].

- (D) The Act was enacted with a view to abolishing wherever possible or practicable, the employment of contract labour. The Act aimed at abolition of contract labour in respect of such categories as may be notified. Where the law helps, such anti-labour practices must be thwarted or nipped in the bud."

8. It is clearly held in the ruling cited by the learned counsel for the Respondent that if the termination of service by the first employer was contrary to the well established legal position, the effect of employment by the second employer was wholly irrelevant, that the action of introducing so as to displace the contract of service between the Corporation and the workmen would be illegal and invalid and ab initio void, that once such workmen became the workmen of the Corporation it was not open to the Corporation to induct a contractor and treat its workmen as workmen of the contractor and it is further held that after introducing the direct payment system agreed between the parties if the Corporation of the employer wanted to introduce a change in respect of any of the matters set out in fourth schedule, it was obligatory to give a notice of change, that by cancelling the direct payment system and introducing the contractor, both the wages and the mode of payment are being altered to the disadvantage of the workmen, that therefore obviously a notice of change was a must before introducing the change, that any such illegal change invites a penalty under Section 31(2) of the I.D. Act, 1947, that such a change which was punishable as a criminal offence would obviously be an illegal change and that thus an illegal change would be wholly ineffective.

9. In the present case as seen from Exs. M2 and M3 the payment of wages was made directly to the workmen after obtaining their thumb marks as against their names in the said two registers. So in the present case it is obvious from the evidence brought on record that the Respondent-Corporation wanted to introduce the change in the system of payment of wages to the workmen through the Contractor from that of direct payment and obviously there is no notice issued under Section 9-A of the I.D. Act to the workmen informing them about the change intended to be made and nothing is brought on record by the Respondent Corporation showing that a notice under Section 9-A of the I.D. Act was issued to the workmen before introducing the contract system. So I am of opinion that the ruling cited by the learned counsel for the Respondent is of no help to the Respondent Corporation and on the other hand it is helpful to the Petitioner.

10. The learned counsel for the Respondent cited another ruling reported in VEGOILS PVT. LTD. VS. THE WORKMEN (I) where in it was held :

- "(a) Industrial Disputes Act (1947), Section 10-Contract Labour Abolition of—If, the work for which contract labour is employed is incidental to and closely connected with

the main activity of the Industry and if of a perennial and permanent nature, the abolition of contract labour would be justified. Practice obtaining in other industries in or about the same area must also be taken into consideration,

- (b) Contract Labour (Regulation and Abolition) Act, (1970), Pre-Object of the Act is to regulate and to improve the condition of service of contract labour and not merely to abolish the contract labour.
- (c) Contract Labour (Regulation and Abolition) Act, (1970), Section 10—Power to abolish contract Government and its decision in that respect is final. The Industrial Tribunal has no jurisdiction to decide the question of abolishing the contract labour even if award abolishing the contract labour is passed by Industrial Tribunal, it cannot be enforced after the commencement of the Central Act (1970).
- (d) Contract Labour (Regulation and Abolition) Act, (1970) Section 10—Contract Labour—loading and unloading. Where the facts show that drastic variation in the nature of workmen that has to be done by the contractor regarding loading and unloading of the wagons and trucks and that in other similar establishments also the work is not done by regular workmen, the work cannot be said to be of payment or perennial nature. Hence direction for abolition of contract labour in respect of loading and unloading cannot be issued.
- (e) Contract Labour (Regulation and Abolition) Act, (1970) Section 10—Abolition of contract labour—establishment carrying business of manufacturing edible oils, soap etc. Held, feeding of hoppers was an essential part of the industry. The work being of perennial nature could be done by permanent employees. Direction to abolish the contract labour held, valid."

The ruling cited by the learned counsel for the Respondent relates to the question of abolishing the contract labour system and making the workmen as permanent workmen and the question that falls for consideration in the present case on hand is whether the workmen are entitled to be engaged continuously when they worked for more than 240 days continuously prior to their being dis-engaged, by introducing contract system by the employer particularly in the teeth of the facts that the contractor lacking the licence under Section 12 of the Contract Labour (Regulation and Abolition) Act, 1970 as required under that Act, and therefore I am of opinion that the cited ruling is not applicable to the facts of the case on hand and is of no help to the Respondent-Corporation. The learned counsel for the Respondent cited another ruling reported in A. P. DAIRY DEVELOPMENT CO-OPERATION FEDERATION,

HYDERABAD v. K. RAMULU & OTHERS (I)
wherein it was held

"Neither the Act nor the Rules provide that upon the abolition of the contract labour the said labour should be directly absorbed by the principal employer. Nor is there any provision that pending decision upon an application under Section 10 by workers, the said workers should continue to be engaged, at the instance of the principal employer, by any contractor engaged by such principal employer. When the Act does not provide for such a measure but contents itself by mere regulation of the condition of service of employees under the contractor and abolition of contract labour, it is not permissible for the High Court acting under Art. 226 of the Constitution to direct the principal employer to impose a condition on the successive contractors engaged by it to employ such employees till a final order is passed under Section 10 by the State Government."

The question involved in the case on hand is different from the question decided in the cited ruling and the facts in the present case on hand are different from the facts in the cited ruling and therefore I am of opinion that the ruling cited by the learned counsel for the Respondent Corporation is not applicable to the facts of the case on hand and is of no help to the Respondent-Corporation.

11. As seen from Ex. M2 and M3 it is clear that there was direct payment of the wage to the workmen by the Principal employer, the Respondent-Corporation after obtaining their thumb marks as against their names evidencing the payment of wages to them. No licence, as required under Section 12 of the Contract Labour (Regulation and Abolition) Act, 1970 for the Contractors under whom the workmen worked, for the principal employers, the Respondent Corporation till 1985 was filed into Tribunal and it is also pertinent to note that it is not the case of the Respondent-Corporation that the Contractors to whom the work of loading and unloading was entrusted obtained licence as required under Section 12 of the Contract Labour (Regulation and Abolition) Act 1970. In the absence of adducing any such evidence, it is clear that the condition that the Respondent-Corporation had employed contract labour through a licenced contractor, was not complied with and therefore it is to be treated that the 38 workmen in the present case were the employees of the principal employer i.e. the Respondent-Corporation till 24-12-1984 or 2-1-1985 as the case may be, as has been held in the two rulings 1987 SLR page 478 and 1990 (61) FLR Page 253 cited by the learned counsel for the petitioner and I am of opinion that the said two rulings are quite applicable to the facts of the case on hand. As has been already observed by me, there is no dispute that the 38 workmen, involved in this industrial dispute, worked continuously in the Respondent-Corporation for the work of loading and unloading till 2-1-1985 from which date the new contractor Ravi Kumar who obtained the licence under Section 12 of the Contract Labour (Regulation and Abolition) Act,

1970 was entrusted with the work of loading and unloading. So the next question that falls for consideration is whether the said 38 workmen are entitled for reinstatement on the ground that they were retrenched from service without complying with the mandatory provisions of Section 25-F of the I. D. Act. Admittedly the Respondent Corporation did not issue one month notice nor did it pay one month's wages to the said 38 workmen in lieu of not issuing one month's notice before terminating their services, nor did the Respondent-Corporation pay any retrenchment compensation to them as contemplated under Section 25-F of the I.D. Act. It is obvious from the evidence available on record that it is established that the workmen continuously worked for more than 240 days within the period of 12 months immediately prior to the date of their retrenchment from service and I am of opinion that it amounts to retrenchment as defined under Section 2(oo) of the I.D. Act. It is clear from the evidence brought on record that the 38 workmen concerned in this I.D. were retrenched from service without complying with the mandatory provisions of Section 25-F of the I. D. Act and therefore, I am of opinion that the said 38 workmen are entitled for the relief of reinstatement in this case, with continuity of service and with half of the back wages under the facts and circumstances of the case, as it is the admitted case of the petitioner that the remuneration to the workmen was being paid on piece rate basis. Hence I answer the point accordingly.

12. In the result, an Award is passed holding that the 38 workmen whose names are referred to in Annexure—A of the reference are entitled for reinstatement into service with continuity of service and half of the back wages and the Respondent-Corporation is directed to reinstate the said 38 workmen into service with half of the back wages on piece rate basis, with continuity of service, within one month from the date of publication of this Award failing which the said 38 workmen are entitled to realise back wages as ordered with interest at 12 per cent per annum from the date of publication of this Award. There will be no order as to the costs under the facts and circumstances of the case.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this the 22nd day of July 1992.

G. KRISHNA RAO, Presiding Officer
Appendix of Evidence

Witnesses examined

for the Workman.

W.W. 1 K. Gouraiah

W.W. 2 A. Rangaiah

Witnesses examined

for the Management.

M.W. 1 S. Vidya Sagar

M.W. 2 N. V. G. K. Murthy

Documents marked for the Workmen.

Ex. W1—Register pertaining to Hamalis Chowdini K. Gouraiah Storage units Alair in Handling of Food grains commodity.

Ex. W2—Register pertaining to hamalies chowdini K. Gouraiah Storage units Alair in handling of food grains commodity.

Documents marked for the Management.

- Ex. M1—Register pertaining to labour payment with regard to food corporation of India, Alair.
- Ex. M2—Book pertaining to labour payment with regard to Food Corporation of India.
- Ex. M3 11-8-80—Tender notice dt. 11-8-80 issued by District Manager, Food Corporation of India, District Office, Nalgonda.
- Ex. M4 22-8-80—Tender forms dt. 22-8-80 filled in by District Manager.
- Ex. M5 8-9-80—Telegram dt. 8-9-80 issued by District Manager, F.C.I., Nalgonda to T. Eswara Rao.
- Ex. M6 8-9-80—Letter No. SSC 13(2)/80 cont. dt. 8-9-80 addressed to T. Easwara Rao by the District Manager, F.C.I., District Office, Nalgonda with regard to Appointment of Adhoc H&T contractor along with connected papers.
- Ex. M6 8-9-80—Letter No. SSC 13(2)/80 cont. dt. 8-9-80 addressed to T. Easwara Rao, by the District Manager, Food Corporation of India, District Office, Nalgonda with regard to appointment adhoc H&T contractor.
- Ex. M8—Letter addressed to the District Manager, Food Corporation of India by T. Easwara Rao, enclosing D.O. for Rs. 1875.00
- Ex. M9—Books pertaining to handling and casual labour bills of Alair/Madanapalli Storage units.
- Ex. M10 18-5-82—Tender Notice No. SSC 13(2)/82 cont. dt. 18-5-82 issued by All the District Managers in A.P. Region and others by the Division Manager, Food Corporation of India, District Office, Nalgonda.
- Ex. M11 18-5-82—Comparative statement of rates received in the Tender enquiry of HTC Alair/Madanapalli/Bhongir and BH Bibinagar.
- Ex. M12 25-6-82—Copy of the Telegram dt. 25-6-82 from District Manager, Food Corporation of India, District Office, Nalgonda to T. Seetha Ramanajanyulu.
- Ex. M13 26-6-82—Letter dt. 26-6-82 addressed to T. Seetharamanujanyulu by the District Manager, Food Corporation of India with regard to appointment to adhoc H&R Contractor.
- Ex. M14 26-6-82—Letter dt. 26-6-82 addressed to the Asst. Manager, Food Corporation of India, Alair and Madanapalli by T. Seetharamanajanyulu.
- Ex. M15 1-7-82—Letter dt. 1-7-82 addressed by T. Seetharamanajanyulu to the District Manager, Food Corporation of India, Nalgonda with regard to Adhoc H&T contract at Alair/Madanapalli, Bhongir and R. H. Bibinagar and permit him to carry out H&T Operations at Alair/Madanapalli.
- Ex. M16—File relating to Tender of T. Seetharamajanyulu.
- Ex. M17 26-10-82—Letter of the Senior Regional Manager, Food Corporation of India dt. 26-10-82 to the District Manager, F.C.I., Nalgonda with regard to appointment of H&T contractor.
- Ex. M18 26-10-82—Comparative statement of rates dt. 26-10-82 received in the Tender enquiry on 26-11-87 for appointment of H&T at Alair/Madanapalli/Bhongir/Bibinagar.
- Ex. M19 17-12-82—Telegram dt. 17-12-82 sent by Dy. Manager (Contracts) for and on behalf of F.C.I. to K. Gouraiah with regard to Security Deposit.
- Ex. M20 17-12-82—Letter dt. 17-12-82 addressed by Deputy Manager (Contracts) for and on behalf of the Food Corporation of India, Regional Office, Hyderabad-1 to K. Gouraiah, Hamali Maistry with regard to appointment of handling & transport contractor at Alair/Madanapalli/Bhongir/Bibinagar.
- Ex. M21 23-12-82—Letter dt. 23-12-82 addressed to the Senior Regional Manager, Food Corporation of India, Regional Office, Hyd. by K. Gouraiah, Hamali Maistry with regard to H&T contract at Alair/Madanapalli/Bhongir/Bibinagar and remittance of security deposit of 50 per cent amount.
- Ex. M22 2-1-83—Letter dt. 2-1-83 addressed by Assistant Manager (Depot), Food Corporation of India, Madanapalli Godowns Alair Nalgonda Distt. to the District Manager, F.C.I. Nalgonda with regard to appointment of Handling and transport contractors at Madanapalli.
- Ex. M23 25-11-82—File relating to Tender of K. Gouraiah.
- Ex. M24 7-5-82—No demand certificate of K. Gouraiah dt. 7-5-65 for claiming refund of security deposit.
- Ex. M25—Letter of the Senior Regional Manager, Regional Office, Hyd. to the District Manager, Food Corporation of India, Nalgonda with regard to appointment of H&T contractors.
- Ex. M26 11-12-84—Tender No. S&C 13(18)/84-Cont. I dt. 11-12-84 with regard to appointment of handling and transport contractors at Madanapalli (Nalgonda Dist.).
- Ex. M27 24-12-84—Telegram dt. 24-12-84 issued to P. Ravi Kumar by the Food Corporation of India, Regional Office, Hyd. with regard to acceptance of tender.
- Ex. M28 24-12-84—Letter dt. 24-12-84 addressed to P. Ravi Kumar by the Senior Regional Manager FCI Hyd. with regard to acceptance of tender and to furnish the security deposit of Rs. 15,000.00.

- Ex. M29 30-12-84—Letter dt. 30-12-84 addressed to the District Manager, F.C.I., Dist. Office, Nalgonda by P. Ravi Kumar, with regard to H&T contract, Madanapalli.
- Ex. M30 31-12-84—Telegram dt. 31-12-84 of the Dist. Manager F.C.I. Nalgonda to P. Ravi Kumar with regard to H&T contract at Aler Madanapalli, stopped commence H&T work from 1-1-85 and stop ensure payment of security deposit by 2-1-85 positively.
- Ex. M31 2-1-85—Letter dt. 2-1-85 from P. Ravi Kumar to the Dist. Manager, F.C.I., Nalgonda with regard to H&T contract at Aler Madanapalli payment of security deposit.
- Ex. M32 4-12-84—File relating to Feeder of P. Ravi Kumar.
- Ex. M33 16-2-87—Photostat copy of the certificate dt. 16-2-87 from Ministry of Labour, office of the Asst. Labour Commissioner (C) and Registering office to F.C.I. Hyd. with regard to engage contract labour.
- Ex. M34 18-12-85—Photostat copy of the communication dt. 18-12-85 from Dy. Commissioner of Labour, Ranga Reddy Dist. Zone to the Principal employer, F.C.I., Godowns, Madanapalli, Nalgonda Dist. Stating that contractor Ravi Kumar was given licence to employ contract labour.
- Ex. M35 1-2-1978—Certificate of registration dt. 1-2-1978 issued by the Registering office, Dy. Commissioner of Labour Hyderabad Twin cities to the Senior Regional Manager, F.C.I., Hyderabad.

Sd/- (Illegible)
Presiding Officer

नई दिल्ली, 24 सितम्बर, 1992

का. आ. 2709.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अंतर्गत तामिलनाडु मरकनटाईल बैंक लिमिटेड के प्रबन्धन के विरुद्ध श्री जी. रघुबाथी द्वारा दायर एक प्रार्थना पत्र के संबंध में औद्योगिक अधिकरण, तामिलनाडु मद्रास को पंचपट को प्रकाशित करता है, जो कि केन्द्रीय सरकार को 24-9-92 को प्राप्त हुआ।

[संख्या एन-12015/6/92-आई आर (बी- III)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 24th September, 1992

S.O. 2709.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu, Madras in respect of a complaint u/s 33A of the said Act filed by Thiru G. Raghubathu against the management of Tamil Nadu Mercantile Bank Limited which was received by the Central Government on 24-9-92.

[L-12015/6/92-IR(B-III)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Wednesday, the 2nd day of September, 1992

PRESENT :

THIRU M. GOPALASWAMY, B.Sc., B.L.,
Industrial Tribunal
Complaint No. 14 of 1989

Thiru G. Ragubathu, C/o The General Secretary,
Tamil Nadu Mercantile Bank Employees
Union, Kanjampuram, Pin 629154, Kanyakumari District—Complainant.
Versus

The Management, Tamilnadu Mercantile Bank
Limited, Tuticorin, Chithambaranar District.
—Opposit Party.

In the matter of reference in Industrial Dispute No. 119 of 1987

Complaint under section 33-A of the Industrial
Disputes Act, 1947.

This complaint coming on this day for final disposal in the presence of Thiru K.L.S. Santhanam, Authorised Representative for the Complainant and of Thiruvallargal M. Elumalai and M. Elan Chezhian, Advocates appearing for the Opposite Party and the Complaint having filed a memo for withdrawing the complaint and recording the same, this Tribunal passed the following.

AWARD

This complaint is filed under section 33-A of the Industrial Dispute Act, 1947 by Thiru G. Ragubathu, Supervisor against the order passed by the Opposite Party for abolishing the post of Supervisor.

2. On 13-3-1990, the Opposite Party has filed their counter denying the allegations made in the Complaint.

3. After several adjournments, when the complaint was called today, the authorised representative for Complainant has filed a memo for withdrawing the complaint. It is as follows :

"Without prejudice to file a fresh 33-A complaint as and when necessary when the service conditions of the complainant are actually altered, now the present complaint No. 14 is withdrawn."

This memo is recorded. In view of the memo filed by the Complainant, Complaint is dismissed as withdrawn.

Dated, this 2nd day of September, 1992.

Sd/- (Illegible)
Presiding Officer

नई दिल्ली, 24 सितम्बर, 1992

का. आ. 2710.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अंतर्गत तामिलनाडु मरकनटाईल बैंक लिमिटेड के प्रबन्धन के विरुद्ध

श्री आर गणेशन द्वारा दायर एक प्रार्थना पत्र के संबंध में औद्योगिक अधिकरण, तमिलनाडु, मद्रास के पंचपट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 24-9-92 को प्राप्त हुआ था।

[संख्या एल-12015/7/92-आई आर (बी III)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 24th September, 1992

S.O. 2710.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu, Madras in respect of a complaint u/s 33A of the said Act filed by Thiru R. Ganesan against the management of Tamil Nadu Mercantile Bank Ltd. which was received by the Central Government on 24-9-92.

[L-12015/7/92 I.R. (B III)]

RAJA LAL, Desk Office

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Monday, the 14th day of September, 1992

PRESNT :

Thiru M. Gopalaswamy, B.Sc., B.L.,
Industrial Tribunal.

Complaint No. 15 of 1989

Thiru R. Ganesan,
C/o The General Secretary,
Tamilnadu Mercantile Bank Employees,
Union, Kanjampuram, Pin : 629 154,
Kanyakumari District. Complainant.

Versus

The Management,
Tamilnadu Mercantile Bank Ltd.,
Tuticorin,
Chithambaranar District. Opposite Party.

In the matter of reference in Industrial Dispute
No. 119 of 1987.

Complaint under section 33-A of the Industrial
Disputes Act, 1947.

This complaint coming on this day for final disposal in the presence of Thiruvalargal M. Elumalai and M. Elanchehian, Advocates appearing for the Opposite Party upon perusing the complaint, counter and other connected papers on record and the complainant being absent, this Tribunal passed the following :

AWARD

This complaint is filed under section 33-A of the Industrial Disputes Act, 1947 by Thiru R. Ganesan, Supervisor against the order passed by the Opposite Party for abolishing the post of Supervisor.

2. Parties were served with summons.

3. On 13-3-1990, the Opposite Party Management has filed their counter statement denying the allegations made in the complaint.

4. In spite of several adjournments, the complainant has not ready to conduct the case.

5. Today also when the complainant was called, the Complainant was absent and no representation was made on his behalf. The opposite party was represented by counsel.

6. Hence, this complaint is dismissed for default.

Dated, this 14th day of September, 1992.

Sd/- (Illegible)

Presiding Officer

नई दिल्ली, 21 सितम्बर, 1992

का. आ. 2711.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मथुरा रिफायनरी डाकब्राना मथुरा रिफायनरी, मथुरा के प्रबन्ध-तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-92 को प्राप्त हुआ था।

[संख्या एल-30012/34/91/आई आई (मिस)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 21st September, 1992

S.O. 2711.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mathura Refinery, P.O. Mathura Refinery, Mathura-281005 and their workmen, which was received by the Central Government on the 21-9-92.

[No. L-30012/34/91-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, NEW DELHI

I.D. No. 17/92

In the matter of dispute :

BETWEEN :

Shri Vindeshwar Singh s/o Shri Radha Mohan
Singh, aged 43 years, r/o 11215, Refinery
Nagar, Mathura.

VERSUS

The Management of Mathura Refinery,
P.O. Mathura Refinery, Mathura-281005.

APPEARANCES :

Workman.—in person.

None.—for the management.

AWARD

The Central Government in the Ministry of
Labour vide its Order No. L-30012/34/91-IR (Misc)

dated 15-2-92 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Mathura Refinery was justified in dismissing Shri Vindeshwar Singh, Technician Grade-I w.e.f. 18-3-91 in violation of the principles of natural justice. If not, what relief the workman is entitled to?”

2. This case was fixed for filing of the written statement by the management for 11-5-92 but on 30-4-92 the applicant workman appeared in person and presented this application wherein he stated that he wanted to withdraw the above case because he wanted to file a case before the Hon'ble High Court, Allahabad. His statement was recorded on 30-4-92 when the application dated 23-4-92 was presented by him. In his statement he stated that he wanted to file case before the Hon'ble Allahabad High Court and No dispute award may be passed in this case.

3. In view of the statement of the workman no dispute award exist on his behalf with the management and, therefore, the reference is answered accordingly. Management be informed about this on the next date fixed if they appear. Parties are left to bear their own costs.

30th April, 1992.

GANPATI SHARMA, Presiding Officer

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

20th April, 1992.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1992

का. आ. 2712—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टोन क्वेरी और बरहारवा बाकुदीह, मिरजा चौकी क्षेत्र के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, घनवाद के रजिस्ट्रार को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-1992 को प्राप्त हुआ था।

[संख्या एल-29011/29/87-डी-III(बी)]

सी. एम. डेविड, टेस्क अधिकारी

New Delhi, the 23rd September, 1992

S.O. 2712.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Stone Quarry Owners Barharwa, Bakudih and Mirza Chowki Area and their workmen, which was received by the Central Government on the 21-9-92.

[No. L-29011/29/87-D.II(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBALI

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 283 of 1987

PARTIES :

Employers in relation to the management of Stone Quarry Owners, Barharwa, Bakudih and Mirza Chowki Area and their workman.

APPEARANCES :

On behalf of the employers No. 1, 2, 3 and 4—
Shri A. K. Ghosh, authorised representative.

On behalf of the workmen—None.

STATE : Bihar.

INDUSRY : Stone mines.

Dated, Dhanbad the 9th September, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29011/29/87-D.II(B) dated, the 5th October, 1987.

SCHEDULE

“Whether the action of S/Shri Jagumal, Stone Quarry Owner, Barharwa (Sahibganj), Tikan Das, Stone Quarry Owner, Barharwa, Dist. Sahibganj, Ghanshyam Das, Stone Quarry Owner, Barharwa, Dist. Sahibganj, Kali Shankar Bhagat, Stone Quarry Owner, Barharwa (Sahibganj), Santosh Kumar Sharma, Stone Quarry Owner, Barharwa, B. P. Khemka, Stone Quarry Owner, Mirza-chowki (Sahibganj), Vijoy Kumar Khemka, Stone Quarry Owner Mirza chowki (Sahibganj), M/s. International Overseas Corporation, Mirza chowki, Shri Ravi Shankar Singh, Stone Quarry Owner, Mirza chowki, Dist. Sahibganj & Shri Jai Prakash Towary, Stone Quarry Owner, Mirza chowki, Dist. Sahibganj in not paying bonus @ 12 per cent or more (depending upon the allocable surplus under the payment of Bonus Act) for Accounting year 1985 and 1985-86 as demanded by the Union is justified? If not, to what relief the workmen are entitled?”

2. In this case none of the parties filed their respective W.S. Thereafter several adjournments were granted to the parties. Subsequently, one Shri A. K. Ghosh authorised representative for the employer namely Shri Jagumal, Stone Quarry Owner, Shri Tikan Das, Shri Ghanshyam Das and Shri Kali Shankar Bhagat appeared before me and filed a Compromise petition under their signature and the signature of the workmen. I heard on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the said petition of compromise

and pass an Award in terms thereof which forms part of the Award as annexure. So far the employers other than above and the workmen are concerned, the case will proceed.

B. RAM, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 283 of 1987

Management of Stone Quarry Owner.

AND

Their workmen.

In the matter of Compromise Petition

The humble Compromise Petition on behalf of the abovenamed employers and their workmen represented by their Union,
Most respectfully as stated as follows :—

That the present reference has been initiated under the notification No. L-29011/29/87-D.III(B) dated 5th October, 1987 issued by the Ministry of Labour Government of India.

That the present reference is the final stage of the application or the demands made by the General Secretary, Quarry Workers Union, Pakur.

That as the workmen have received their legitimate amount from the respective employers earlier hence they have no grievance against their employers. So their Union do not want to proceed with the present reference as both the parties have already settled their dispute.

That in view of the above compromise the parties do not want to proceed the present reference.

It is therefore prayed that your honour may be pleased to accept the compromise petition as pass necessary order in his behalf and this parties shall ever pray.

(1) For the employers No. 1, 2, 3, 4
Sd/- Illegible

(2) For the Workmen.
Sd/- General Secretrav
(D. Mishra) 26-8-92
Quarry Worker's Union,
Pakur.

नई दिल्ली, 23 सितम्बर, 1992

का. ग्रा 2713.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ओडिशा मिनरल्स डेवलपमेंट कं. लि., पो. ओ. ठकुरानी, जिला किओवजर के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण ओडिशा (भुवनेश्वर) के पंचशट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/9/92 को प्राप्त हुआ था।

[संख्या एल-27011/2/90-आई आर (मिस.)]

बी. एम डेविड, डेस्क अधिकारी

2482 GI/92—8.

New Delhi, the 23rd September, 1992

S.O. 2713.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Orissa, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Orissa Mines Dev. Co. P.O. Thakurani, District Keonjhar and their workmen, which was received by the Central Government on the 14-9-92.

[No. L-27011/2/90-IR(Misc.)]

B. M. DAVID, Desk Officer.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA : BHUBANESWAR

PRESENT :

Sri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 15 of 1990 (Central)
Dated, Bhubaneswar, the 29th August, 1992

BETWEEN :

The Management of Orissa Minerals Development Co. Ltd., P.O. Thakurani, District Keonjhar.—First Party-management.

AND

Their workmen represented through Barbil Workers Union, At/P.O. Bolani, District Keonjhar.—Second Party-workmen.

APPEARANCES :

Sri M. C. Naik, Dy. General Manager.—For the first party-management.

None.—For the second party-workmen.

AWARD

The Government of India, in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 and by their order dated 18-4-1990 have referred the following dispute for adjudication by this Tribunal :—

“Whether the demand of the Barbil Workers Union for grant of equal rates of wages, allowances and conditions of service to Supervisors, Clerks, Mining Mates and Mining Foremen of manganese section of Bhadasahi Mines, Roida of O.M.D.C. Ltd., namely, Sri Bhubaneswar Dehuri and 114 others at par with the corresponding categories of employees of iron ore section of the same mine is justified. If so, what relief are the workmen concerned entitled to?”

2. Today being the date of hearing, the workman are absent on calls. They have also not taken any steps. On the previous date no step was also taken on their behalf. As it appears the workmen have no interest in the present proceeding.

3. The present reference has been made to decide as to whether the demand of the Barbil workers Union for grant of equal rates of wages, allowances and conditions of service to Supervisors, Clerks, Mining Mates and Mining Foremen of maganese section of Bhadrasahi Mines, Roida of O.M.D.C. Ltd. which the same categories of employees of Iron Ore Section are getting is legal and justified. From the nature of the reference, onus lies upon the workmen to prove that they are entitled to equal benefit as is being given to their counter-parts working in Iron Ore Section. They having absented themselves from the Court, it is difficult to answer the reference. In the circumstance, therefore, I have no other alternative but to pass a no dispute award. Hence, a no dispute award is passed in so far as the present reference is concerned.

Dictated and corrected by me.
29-9-1992

R. K. DASH, Presiding Officer.

नई दिल्ली, 22 सितम्बर, 1992

का.घा. 2714.—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के खंड

New Delhi, the 22nd September, 1992

S.O. 2714.—In exercise of the powers conferred by clause (kb) of Section 2 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government hereby authorises the Officer mentioned in Column 2 of the Schedule to exercise the powers of Recovery Officer under the said Act on and from the 1st day of July, 1992 for the areas mentioned in Column 3 of the said Schedule in relation to all the establishments covered under the provision of the said Act in the respective areas :—

SCHEDULE

S. No.	Name & Designation of the officer	Area in relation to which jurisdiction to be exercised.
(1)	(2)	(3)
1.	Shri A.C. Jana, Assistant Provident Fund Commissioner.	West Bengal & the Union Territory of Andaman and Nicobar.

[No. R-11013/2/90-SS. II]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

का.घा. 2715.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-10-92 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध हिमाचल प्रदेश राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“जिन्हा सोलन के राजस्व ग्राम चक्का, हृदबस्त संख्या-196 के अन्तर्गत आने वाले क्षेत्र।”

[संख्या एस-38013/17/92-एस.एस.-1]

जे. पी. शुक्ला, अध्वर सचिव

(के.बी.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा अनुसूची के कालम (2) में उल्लिखित अधिकारी को जुलाई, 1992 से उक्त अधिनियम के उपबन्ध के अन्तर्गत आने वाले संगत क्षेत्रों के सभी प्रतिष्ठानों से संबंधित उक्त अनुसूची के कालम (3) में उल्लिखित क्षेत्रों के लिए उक्त अधिनियम के अन्तर्गत वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है :—

क्र. सं.	अधिकारी का नाम व पदनाम	सौंपा गया कार्य क्षेत्र
1	2	3
1.	श्री ए.सी. जना, सहायक भविष्य निधि आयुक्त	पश्चिम बंगाल तथा संघ राज्य क्षेत्र, अण्डमान एवं निकोबार।

[सं.घार.-11013(2)/90-एस एस-II(ए)]

जे.पी. शुक्ला, अध्वर सचिव

New Delhi, the 28th September, 1992

S.O. 2715.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th October, 1992 as the date on which the provisions of Chapter IV (except section 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Himachal Pradesh namely :—

“Area comprising the revenue village Chakka under a Had Best No. 196 in the District Solan.”

[No. S-38013/17/92-S.S.I]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

(1)

(2)

(3)

का.आ. 2716 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 45-1 के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार श्रम मंत्रालय के भारत के असाधारण राजपत्र के भाग-II, खण्ड 3, उप खण्ड (ii) में प्रकाशित का. आ. 554 (ई.) दिनांक 28 अगस्त, 1991 की अधिसूचना का अधीकरण करते हुए केन्द्र सरकार एतद्वारा उक्त अधिनियम के उपबंधों के अन्तर्गत आने वाले सभी कारखानों तथा प्रतिष्ठानों के संबंध में निम्नलिखित अनुसूची के कालम (2) में उल्लिखित अधिकारियों को उक्त अनुसूची के कालम (3) में उल्लिखित क्षेत्रों के, लिए उक्त अधिनियम के अन्तर्गत 1 अक्टूबर, 1992 से बसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है :—

अनुसूची

क्र. सं.	अधिकारी का नाम और पद नाम	क्षेत्राधिकार का नाम जहां उक्त शक्तियों का प्रयोग किया जाना है।
(1)	(2)	(3)

1. उप क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम, हैदराबाद, (आ.प्र.)

2. उप क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम, बंगलौर, (कर्नाटक)
3. उप क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम, इन्दौर, (मध्य प्रदेश)
4. उप क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम, बम्बई
5. उप क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम, कानपुर (उत्तर प्रदेश)
6. उप क्षेत्रीय निदेशक, क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम, कलकत्ता।

[फा. सं. एस.-38025/27/90-एस.एस.-1]

जे. पी. शुक्ला अवर सचिव,

New Delhi, the 28th September, 1992

S.O. 2716.—In exercise of the powers conferred by clause (b) of section 45-I of the Employees' State Insurance Act, 1948 (34 of 1948), and in supersession of the notification of Government of India in the Ministry of Labour published in Part-II, section 3, sub-section (ii) of the Gazette of India, Extra-ordinary, vide S.O. 554 (E) dated the 23th August, 1991, the Central Government hereby authorises the officers mentioned in column (2) of the Schedule below to exercise the powers of Recovery Officer under the said Act, on and from the 1st October, 1992 for the areas mentioned in column (3) of the said Schedule, in relation to all factories and establishments covered under the provisions of the said Act, namely:—

SCHEDULE

S. No.	Name and designation of the officer	Area in relation to which jurisdiction to be exercised.
1.	Deputy Regional Director, Regional Office, Employees' State Insurance Corporation, Hyderabad (A.P.)	The State of Andhra Pradesh.
2.	Deputy Regional Director, Regional Office, Employees' State Insurance Corporation, Bangalore (Karnataka).	The State of Karnataka.
3.	Deputy Regional Director, Regional Office, Employees' State Insurance Corporation, Indore (M.P.)	The State of Madhya Pradesh.
4.	Deputy Regional Director, Regional Office, Employees' State Insurance Corporation, Bombay (Maharashtra).	The State of Maharashtra.
5.	Deputy Regional Director, Regional Office, Employees' State Insurance Corporation, Kanpur (U.P.)	The State of Uttar Pradesh.
6.	Deputy Regional Director, Regional Office, Employees' State Insurance Corporation, Calcutta (West-Bengal)	The State of West-Bengal.

नई दिल्ली, 22 सितम्बर, 1992

का.आ. 2717.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लि. के कोयला भवन के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं.-1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-92 को प्राप्त हुआ था।

[संख्या एल-20012/112/89-आई आर (कोल-1)]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 22nd September, 1992

S.O. 2717.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Bharat Coking Coal Ltd., Koyla Bhawan and their workmen, which was received by the Central Government on the 21-9-1992.

[No. L-20012/112/89-I.R. (Coal)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1) (d) of the Industrial Disputes Act, 1947

Reference No. 1 of 1990

PARTIES :

Employers in relation to the management of M/s. Bharat Coking Coal Ltd., Koyla Bhawan.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri D. K. Verma, Advocate.

For the Workmen : Shri R. P. Singh President, Dhanbad Colliery Karmachari Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 14th September, 1992

AWARD

By Order No. L-20012/112/89-I.R. (Coal-I), dated, the 18th December, 1989, the Central Government in the Ministry of Labour, has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of the Industrial Disputes Act, 1947,

referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Union for placement of S/Shri M. L. Roy and R. P. Singh, as Telephone Operator in Clerical Grade-I w.e.f. 16-3-1981 to 8-9-87 is justified ? If so, to what relief the workmen are entitled to ?”

2. The case of the concerned workmen as disclosed in the written statement submitted on their behalf by Dhanbad Colliery Karmachari Sangh, details apart, is as follows :

M. L. Roy and others appeared of the departmental interview held for the appointment of Telex Operators; Telephone Operators by interview letters dated 12-12-79/21-1-80/24-1-80 and 12-12-79/21-1-80, respectively. M. L. Roy has been in the employment from the time of ex-owner and R. P. Singh has been working in M/s. B.C.C. Ltd. since 1971. Both the workers appeared in and passed the interview and underwent training for six months in the year 1980. They joined their duties as Telephone Operator with effect from 16-3-81 as evident from the letter dated 14/16-3-1981. The management started taking work from them as Telephone Operator after expiry of training period with effect from 14/16-3-81. This will be evident from the Office Order No. BCCL Admn/81/401. The management has also issued Office Order dated 14/15-5-82 regularising their services as Telephone operator. But it has failed to regularise them in service as Telephone Operator with effect from 14/16-3-81. The dispute for proper regularisation of their services as Telephone Operator not being resolved the matter was taken up in conciliation before the Asstt. Labour Commissioner (Central), Dhanbad on 2-2-88. But the conciliation proceeding ended in a failure. The claim of the concerned workmen is for their proper regularisation from 16-3-81 in the post of Telephone Operator in Clerical Grade I in the scale of Rs. 572-29-804-35-944 as per norms of the Company. Although they are entitled to regularisation in service as Telephone Operator in Clerical Grade-I with effect from 16-2-81, the management has regularised their services as Telephone Operator in Clerical Grade-II by Office Order dated 14/15-5-82. The circular dated 7-4-77 issued by the management envisages that an employee who is matriculate and operates PBX having more than 10 internal extension lines will be placed in Clerical Grade-I in the scale of Rs. 442-678. Both the concerned workmen are eligible to Clerical Grade-I in terms of the aforesaid circular. Anyway, the management regularised them as Telephone Operator in Technical Grade 'C' by Office Order dated 9-9-87 instead of from 1981. The management has been taking the job of Telephone Operator from them since 1981. They are entitled to remuneration available to the employees in Clerical Grade-I. Hence, they are entitled to difference of wages from 16-3-81 to 8-9-87 as calculated.

3. The case of the management of M/s. B.C.C. Ltd., Koyla Bhawan, Koyla Nagar, Dhanbad, as appearing in the written statement-cum-rejoinder, briefly stated, is as follows :

The present dispute has been raised by the union after a lapse of ten years by way of gambling in litigation. The demand of the union is speculative one and the present dispute has been made after a long delay. Hence, this dispute is not maintainable. There was shortage of Telephone Operators in the Company. Therefore, an internal notice was circulated inviting applications from interested candidates who had prescribed qualification for the post of Telephone Operator and Telephone Operator (Trainee). The concerned workmen made application and on the recommendations of the Selection Committee they were given offer as Telephone Operator (Trainee) and placed in their existing scale of pay. After completion of training period they were regularised as Telephone Operator and placed in Clerical Grade II which was the minimum prescribed grade of the Telephone Operators. M. L. Roy was working at Simlabahal colliery of Kustore Area as Tub-Checker in Clerical Grade-II and R. P. Singh was working at Kustore Colliery of Kustore Area as Cap Lamp Fitter in Category-II (daily rated). Both of them were regularised in Clerical Grade-II which was much higher grade than their existing scale of pay. They were appointed as Telephone Operator in 1982. At the time of their appointment as Telephone Operators the Cadre Scheme formulated by the management on 20-6-77 was in operation and both of them were rightly placed in Clerical Grade-II as per the said Cadre Scheme. The demand of the union for placement of M.L. Roy and R. P. Singh as Telephone Operator in Clerical Grade-I with effect from 16-3-81 to 8-9-87 is not justified.

4. In rejoinder to the written statement of the management, the union has asserted that the present dispute is maintainable. It is not a fact that the concerned workmen were working as Telephone Operator (Trainee). But the Office Order clearly indicates that they worked as Telephone Operator from 16-3-81. As both of them have been working in the post of Telephone Operator continuously with effect from 16-3-81 they entitled to be placed in Clerical Grade-I.

5. In rejoinder to the written statement of the sponsoring union, the management has denied and disputed the contentions of the union and stuck to the position as appearing in its written statement.

6. The union, in order to prop up its claim, has examined the concerned workman as WW-1 and WW-2 and laid in evidence a number of documents which have been marked Exts. W-1 to W-12.

On the other hand, the management has examined only one witness, namely, MW-1 R.N. Mitra, posted as Dy. Personnel Manager at Head Quarters of M/s. B.C.C. Ltd. in Koyla Bhawan and laid in evidence some documents which have been marked Exts. M-1 to M-3.

7. The management has firmly disclosed in its written statement-cum-rejoinder that M.L. Roy, one of the concerned workman, was working in Simlabahal colliery of Kustore Area as Tub-checker in Clerical Grade-III and R. P. Singh, the other concerned workman, was working at Kustore colliery of Kustore Area as Cap Lamp Fitter in Category-II. These statements of facts have not been assailed by the sponsoring union

in its written statement or rejoinder. Shri Roy has admitted in his evidence that he was working in Simlabahal colliery as Tub-checker in Clerical Grade-III. Although R. P. Singh has admitted that he was working as Helper to Cap Lamp Fitter, he has claimed that he was placed in Category-IV. This claim of Shri Singh seems to be a tall claim as Fitter Helpers are placed in Category-II both as per Wage Board Recommendations and N.C.W.A.

8. Anyway, the fact is that the management called both the concerned workmen, M.L. Roy by letter dated 12-12-79/21/1/80/24-1-80 (Ext. W-1) and R. P. Singh by letter dated 12-12-79/21-1-80 (Ext. W-1/1) for an interview for training as Telex Operator at Koyla Bhawan on 31-1-80. Both of them appeared in the interview and selected for training as Telex Operator for a period of six months. The letters of the management dated 5-7-80 (Ext. W-2) and 8-4-80/2-5-80 (Ext. W-2/1) indicate this position. There is no dispute that both the concerned workmen underwent training successfully. By Office Order dated 14/16-3-81 both of them were deployed for shift duty as Telephone Operator (Trainee). Admittedly, the concerned workmen were getting emoluments as per their previous scale of pay obtaining prior to their joining as Telephone Operator (Trainee) (Ext. W-3).

9. The management by Office Order dated 14-5-82 (Ext. W-4) promoted the concerned workmen as Telephone Operator in Clerical Grade-II. The union has stated that the management regularised the services of the concerned workmen in Clerical Grade-II in terms of circular dated 7-4-77. According to the union, this circular, is unconstitutional. There is nothing on record to indicate that the management issued any circular dated 7-4-77 on the subject. On the other hand, the management has asserted that at the time of appointment of the concerned workmen as Telephone Operator, Cadre Scheme formulated by Office Order dated 20-6-77 was in operation and they were rightly placed in Clerical Grade-II as per Cadre Scheme. The management has produced the Cadre Scheme dated 20-6-77 (Ext. M-2) on the subject of promotion policy of ministerial cadre. But this circular does not seem to be a complete one. This circular envisages that promotion to Clerical Grade-I will be made areawise or Headquarters-wise by D.P.C. and promotion to Clerical Grade-II will be made colliery-wise, area-wise and directorate-wise. The union has admitted in its written statement that as per circular of the management dated 7-4-77 (Ext. W-5) an employee who is a matriculate and capable of operating PBX having more than 10 internal extension lines are entitled to be placed in Clerical Grade-I. Admittedly, both the concerned workmen are matriculates (Exts. W-8 and W-11). But there is no evidence on record that both of them were capable of operating PBX having more than 10 internal extension lines. This being the position, I am constrained to hold that the claim of the union for placing the concerned workmen in Clerical Grade-I with effect from 16-3-81 is not tenable.

10. Nevertheless, the fact remains that the concerned workmen were subsequently promoted to the post of Senior Telephone Operator in Technical & Supervisory Grade 'C' which corresponds to Clerical Grade-I from the post of Telephone Operator in Technical

Grade 'D' which corresponds to Clerical Grade-II with effect from 9-9-87 (Ext. W-5). In the meantime the management issued another circular dated 17-12-85 (Ext. M-3) providing for promotion channel of telephone personnels: Telephone Operator to Senior Telephone Operator Grade-I. As per this circular Telephone Operator in Technical Grade 'D' having three years experience and having matriculation or equivalent qualification are entitled to be promoted to the post of Senior Telephone Operator Grade-II in Technical Grade 'C'. Both the concerned workmen had the requisite qualification when this circular was issued on 17-12-85 (Ext. M-3). Hence, in my view, though the claim of the union and for the matter of that the concerned workmen for placement in Clerical Grade-I with effect from 16-3-81 is not justified, they are entitled to be promoted as Senior Telephone Operator Grade-II in Technical Grade 'C' which corresponds to Grade-I with effect from 17-12-85 as they had requisite qualification and experience. It automatically follows that they are also entitled to difference of wages from 17-12-85 till they are actually placed in Technical Grade 'C'.

11. Accordingly, the following awards is rendered—the demand of the union for placement of S/Shri M. L. Roy and R. P. Singh as Telephone Operator in Clerical Grade-I with effect from 16-3-1981 is not justified. But the concerned workmen are entitled to be promoted in Technical Grade 'C' which corresponds to Clerical Grade-I with effect from 17-12-85 and difference of wages from that date till they are actually promoted to the grade aforesaid.

In the circumstances of the case, I award no cost. This is my award.

S. K. MITRA, Presiding Officer

नई दिल्ली, 22 सितम्बर, 1992

का.मा. 2718 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मी. इण्डियन आयर्न एण्ड स्टील कं.लि. की चसनाला कोलियरी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-92 को प्राप्त हुआ था।

[संख्या एल-20012(295)/85-डी-3 (ए)]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 22nd September, 1992

S.O. 2718.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chasnalla Colliery of M/s. Indian Iron and Steel Company Ltd. and their workmen, which was received by the Central Government on the 21-9-92.

[No. L-20012(295)/85-D-III(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD
PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 153 of 1986

PARTIES :

Employers in relation to the management of Chasnalla Colliery of Messrs Indian Iron and Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. D. Lall,
Advocate.

On behalf of the employers—Shri R. S. Murthy,
Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 10th September, 1992

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(295)/85-D. III(A) dated, the 21st March, 1986.

THE SCHEDULE

"Whether the demand of Bihar Mines Lal Jhanda Mazdoor Union that the management of Chasnalla Colliery of M/s. Indian Iron & Steel Company Ltd. should place their workman, Shri K. I. Robi in Clerical Grade-I from 1983 is justified? If so, to what relief is the said workman entitled?"

2. In this case both the parties appeared and filed their respective W.S. documents. Thereafter the case proceeded along its course. Subsequently at the stage of oral evidence both the parties appeared before me and filed a Joint Compromise petition under their signature. I heard both the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

Sd/-

B. RAM, Presiding Officer
Central Govt. Industrial Tribunal
(No. 2), Dhanbad.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, DHANBAD

Reference No. 153/1986

PARTIES :

Employers in relation to the Management of Chasnalla Colliery of Indian Iron and Steel Co. Ltd.;

AND

Their workmen.

Joint compromise petition of the employers and workman

The above mentioned employers and the workman beg to submit jointly as follows :

1. That the matter covered by the above reference was mutually negotiated between the employers and the workman with a view to arrive at an amicable and mutually acceptable overall settlement.

2. That as a result of such negotiation, the employers and the workman have agreed to settle the dispute on the following terms and conditions :

- (i) that Sri K. I. Robi, P. No. 9702, Attendance Clerk, South Mine, Chasnalla Colliery, shall be placed in Clerical Grade-I with effect from 1-9-1983. Since he is working in Time Section for the last 17 years, he will be designated as Senior Time Keeper, South Mine (Upper Seam), Chasnalla Colliery, with effect from 1-9-1983 and this post shall remain personal to him.
- (ii) that he shall not claim any wages being the difference between Clerical Grade-I and Clerical Grade-II for the period between 31-8-1983 to 30-4-1992.
- (c) due incremental benefits shall be given to Sri Robi while arriving at his present basis as on 1 May, 1992.
- (d) that this is an overall settlement in full and final settlement of all the claims of the workman arising out of the above reference.

3. That the employers and the workman consider and hereby declare that the above terms and conditions of settlement are just fair and reasonable to both the parties.

The employers and the workman, therefore, jointly pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and give an award in terms thereof and dispose off the reference accordingly.

For & on behalf of the workman
J. D. LALL, Vice-President
Bihar Mines Lal Jhanda
Mazdoor Union

Witnesses :

1. K. I. ROBI
2. R. P. YADAV
P. No. 9913

For & on behalf of the Employers
R. PAUL, Manager (Personnel)
S. MURTH, Advocate, Dhanbad for Employee

नई दिल्ली, 22 सितम्बर, 1992

का.प्रा. 2719 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भं. भारत कोकिंग कोल लि. की मुनीडीह प्रोजेक्ट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं.-1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-92 को प्राप्त हुआ था।

[(संख्या एल-20012/290-89-आई आर (कोल-1)]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 22nd September, 1992

S.O. 2719.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of the 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Moonidih Project of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 21-9-92.

[No. L-20012/290/89-IR(Coal-I)]

V. K. VENUGOPALAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No 80 of 1990

PARTIES :

Employers in relation to the management of Moonidih Project of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 9th September, 1992

AWARD

By Order No. L-20012/290/89-I.R. (Coal-I), dated, the 18th April, 1990, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes

Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of Moonidih Project of M/s. BCCL in dismissing Shri S. P. Ghosh, General Mazdoor vide dismissal order No. MND/Supdt. DA/(DP)/10/87/4238-48 dated 4-5-87 is justified ? If not, what relief the workman is entitled to ?"

2. The case of the management of Moonidih Project of M/s. B.C.C.Ltd., as disclosed in the written statement-cum-rejoinder, details apart, is as follows :

The present reference is not legally maintainable. S.P. Ghosh, the concerned workman was appointed General Mazdoor by letter dated 6-4-82 at Katras Chaitudih Colliery of the then Sijua Area. He joined his duty on 9-4-82 at Katras-Chaitudih colliery. He was posted at Moonidih Project by letter dated 8-7-82. It was abserved that he developed disliking for the job of General Mazdoor inside the mine, and developed the habit of passing time without doing any work for earning time rated wages of Category-I. On 29-9-86 and 1-10-86 he was not paid his wages for idling away time without doing any work. He was warned to be particular in future and advised to devote his time to perform his job. On 28-2-87 he was on duty in the morning shift. The Overman Incharge of the District allotted him job of cleaning the mine. He did not carry out the duties as allotted to him and went on idling away his time. The Overman reported the fact to the Sr. Mining Engineer, Sri A. K. Midya during his round of inspection. Sri Midya, in course of his inspection of mine, reached the place of work of the concerned workman at about 1.30 P.M. The concerned workman was found sitting idle on the track and had not cleaned the place of work as directed by the Overman. Sri A. K. Midya Directed him to carry out the job of cleaning of mine allotted to him. He refused to carry out the job, abused and threatened him with dire consequences. A chargesheet dated 28-2-87/2-3-87 was issued to him for commission of various acts of misconduct under Clause 17 of the Certified Standing Orders. He submitted his reply on 6-3-87 alleging that he was actually assaulted by Shri Midya and did not commit any misconduct as alleged against him. The Superintendent of Mines is the Agent of Mines under the Mines Act, 1952. He issued chargesheet dated 28-2-87/2-3-87 and appointed Sri R.K. Jha, Personnel Officer of Moonidih Area as Enquiry Officer by his letter dated 9/11-3-87. He also appointed Sri R. Chandra, the Ventilation Officer as Presenting Officer. The Enquiry Officer issued letter of enquiry dated 13-3-87 fixing the enquiry on 18-3-87 to the concerned workman at the colliery address. He was not found in the colliery and did not come to get his attendance marked and so the enquiry letter could not be served on him. Another letter of enquiry dated 18-3-87 fixing the date of enquiry on 25-3-87 was sent to him by registered post at his home address. A copy of the letter was sent at his colliery address also. No letter was returned back. The A.D. card was returned back without bearing his signature. He received the letter of enquiry but did not attend the enquiry on 25-3-87. Another letter of enquiry dated 29/30-3-87 fixing the date of enquiry on 7-4-87 was issued to him at his home address. A copy of the letter of enquiry was published in the local newspaper having wide

circulation. After adopting all possible modes of intimating the concerned workman regarding departmental enquiry and finding no response from him, it was presumed that he deliberately avoided the enquiry. Therefore, the enquiry was held ex-parte on 7-4-87. The management's representative produced and examined all his witnesses on 7-4-87. The Enquiry Officer submitted his report dated 18-4-87 holding the concerned workman guilty of misconducts charges against him. The matter was enquired at different levels and approval for dismissal of the concerned workman from service was obtained from the General Manager/Chief Mining Engineer of Moonidih Area on 2-5-87. The concerned workman was dismissed from service by letter dated 3/4-5-87. The management has prayed that its action in dismissing the concerned workman from service is legal, bonafide and justified.

3. The case of the concerned workmen, as appearing in the written statement submitted on his behalf by the sponsoring union, Bihar Colliery Kamgar Union, briefly stated, is as follows :

S.P. Ghosh had been working as permanent General Mazdoor since long with unblemished record of service. The local management was very much biased and prejudiced against him for his trade union activities. He was an active member of Bihar Colliery Kamgar Union. The local management was very much biased and prejudiced against the members of this union. The local management was on the look out to remove the concerned workman from service and with that intention had issued several false and fictitious charge sheet against him, but the management could not prove the charge. Anyway, the management, in furtherance to the aforesaid intention, issued a false and frivolous chargesheet to the concerned workman. He denied the charges emphatically. The management dismissed him from service by conducting invalid and irregular departmental enquiry though his explanation to the chargesheet was sufficient. Even so the charges against him were not proved in the invalid and irregular ex-parte enquiry. He was dismissed by an unauthorised person. The letter of dismissal was never served on him. He reported for duty on several occasions, but the anti-labour management did not allow him to resume duty. In the circumstances, the union was constrained to raise the present dispute before the A.L.C. (C) which ended in failure due to adamant attitude of the management. The appropriate Government was pleased to refer the dispute for adjudication. The action of the management in dismissing him from service is unjustified and void abinitio. In the circumstances, the union has prayed that the present reference be answered in favour of the concerned workman he be reinstated in service with full back wages.

4. In rejoinder to the written statement of the union, the management has stated that the concerned workman earned bad name in a few years of his service. His reply to the chargesheet was not found satisfactory and the departmental enquiry was not invalid or irregular as alleged. The management has also denied and disputed that it is prejudiced against Bihar Colliery Kamgar Union or any of its members including the concerned workman.

5. In rejoinder to the written statement of the management, the union has asserted that the General

Mazdoors are time-rated workers as per Wage Board Recommendations and so the question of doing anything for earning for time-rated wages does not arise. The biased and prejudiced management did not pay him wages from 29-9-86 to 1-10-86. It is absolutely false to allege that the concerned workman did not carry out the duty allotted to him by the Overman or that he went on idling away his time. It has also been denied that Sri A. K. Midya found him sitting idle on the track or that he directed the concerned workman to carry out the job of cleaning or that he allegedly refused to carry out the job. It is also emphatically denied that he abused or threatened Sri Midya with dire consequence. The Supdt. of Mines was not the Agent of the Colliery. The enquiry conducted by the management was invalid and irregular and the dismissal of the concerned workman from service is illegal arbitrary, unjustified and against the principles of natural justice.

6. At the instance of the management the fairness and propriety of domestic enquiry was considered as preliminary issue. In the course of hearing on preliminary issue the management produced some documents which were marked as Exhibits M-1 to M-14 on formal proof being dispensed with.

The sponsoring union or the concerned workman did not adduce any evidence.

Shri D. Mukherjee, authorised representative of the sponsoring union, conceded that the domestic enquiry was held fairly and properly. Upon consideration of materials on record, it was also found that the domestic enquiry was held fairly and properly. Accordingly, it was held that the domestic enquiry was held fairly and properly. Thereafter the case was heard on merits.

7. The pleadings of the parties undisputedly disclose that S.P. Ghosh was appointed General Mazdoor by letter of appointment dated 6-4-82 in Katras-Chaitudih Colliery of the then Sijua Area. He joined his duty on 9-4-82 in the said colliery and was posted to Moonidih Project by letter dated 8-7-82. He was deployed for duty in the morning shift on 28-2-87.

8. The case of the management is that the Overman Incharge of the District allotted him the job of cleaning the mine, but he did not carry out the job as allotted to him and went on idling his time. The Overman reported the matter to Sri A. K. Midya, Sr. Mining Engineer during the round of his inspection. Sri Midya reached the place of work of the concerned workman at 1.30 P.M. and found him sitting idle on the track and directed him to carry out the job of cleaning allotted to him. But he refused to carry out the job, abused and threatened him with dire consequences. Thereafter the management issued chargesheet dated 28-2-87/2-3-87 against the concerned workman for various acts of misconduct under Clause 17 of the Certified Standing Orders. The charge-sheet (Ext. M-1) issued against the concerned workman is re-produced hereinbelow :

"It is reported against you by Sri A. K. Midya, Sr. M.E. that on 28-2-87 in 1st shift during his underground inspection it was complained to him by the Overman that you are not performing any job as assigned by him. Sri Midya went to R.W.M.K. face for inspection at about 1.30 P.M. he found you sitting there idle on track line. He asked you for job but

you refused to do cleaning job with belcha. You started abusing him in filthy language, threatened him for dire consequences and manhandled him.

Above said act is a misconduct on your part under Section 17(i)(c), 17(i)(f), 17(i)(u), 17(i)(r) of the Certified Standing Orders which are as under :

17(i)(c) : "Wilful insubordination or disobedience whether alone or in conjunction with others or of any lawful or reasonable order of a superior."

17(i)(f) : "Habitual or serious neglect of work."

17(i)(u) : "Malingering or slowing down work."

17(i)(r) : "Threatening, abusing or assaulting any superior or co-worker."

You are directed to explain in writing within 48 hours of receipt of this chargesheet as to why suitable disciplinary action should not be taken against you.

You will remain suspended pending enquiry. During suspension period you are directed to get your attendance marked in MTK Section daily at 9 a.m.

The concerned workman submitted his explanation to the chargesheet on 5-3-1987 denying the charges. His explanation is re-produced hereinbelow : (Ext. M-2) :

"I am in receipt of your afterthought chargesheet dated 2-3-1987 on 3-3-1987 at 10 A.M.

The charges levelled against me are not only false, frivolous and motivated but also a naked attempt to cloud the real issue to save the actual guilty officer.

I had complained to you in writing on 2-3-1987 about the assault on me by Mr. Midya and his inhuman behaviour but curiously enough you instead of taking any action against Sri Midya, issued me a false and concocted charge-sheet on the alleged ground of manhandling and threatening Mr. Midya (photo copy of letter dated 2-3-1987 is enclosed herewith).

The vagueness of the charge-sheet and specificity of my petition dated 2-3-1987 proves without any shadow of doubt that the charge-sheet is an afterthought and concocted to save Mr. Midya.

It is also pertinent to mention that I am a Category-I Mazdoor but actually I am being forced to work regularly as Fitter Helper.

I am working as Fitter Helper since 3 (three) years so I demanded my regularisation as Fitter Helper and written order but instead of that I was forced to work as piece-rated workmen.

I had already represented before you about the matter in writing on 1-10-1986 and 6-10-1986 (photo copy of the letter is enclosed herewith) but no reply yet been received from your end.

I am also suspended from duty even without conducting any preliminary enquiries.

I, therefore, request you to withdraw the charge-sheet and suspension order immediately."

It appears from the report of the Enquiry Officer (Ext. M-10) that the charge-sheet was framed against the concerned workman on the basis of the complaint of A. K. Midya, Sr. Mining Engineer. This all-important complaint was not produced either in the departmental enquiry or before this Tribunal. Then again, the explanation of the concerned workman to the charge-sheet (Ext. M-2) discloses that the concerned workman complained in writing to the Supdt. of Mines Manager, Moonidih Project about the assault on him by Sri Midya and of his inhuman behaviour. In his explanation also he has stated that although he was Category-I Mazdoor, he was being forced to work regularly as Fitter Helper and that his representation in this regard in writing on 1-10-1986 and 6-10-1986 had not been replied to by the management. It does not appear that the Enquiry Officer has made any endeavour to ascertain about truth or falsity of this fact in domestic enquiry.

9. The concerned workman was arraigned on four courts of charges under the Certified Standing Orders of the colliery. The charges are re-produced hereinbelow :

Clause 17(i)(c).—Wilful insubordination or disobedience, whether alone or in conjunction with others or of any lawful or reasonable order of a superior.

Clause 17(i)(f).—Habitual or serious neglect of work.

Clause 17(i)(u).—Malingering or slowing down work.

Clause 17(i)(r).—Threatening, abusing or assaulting any superior or co-worker.

It appears that Clause 17(i)(u) does not envisage malingering or slowing down work as misconduct : it is Clause 17(i)(k) which envisages that provision. Anyway, I think that the concerned workman was not prejudiced in his defence by erroneous quotation of the aforesaid clause in the charge-sheet.

10. The Enquiry Officer exonerated the concerned workman of the charges under Clauses 17(i)(f) and 17(i)(k) of the Certified Standing Orders and in my view correctly. Nevertheless, he found the concerned workman guilty of the charges under Clause 17(i)(c) and 17(i)(r) of the Certified Standing Orders.

11. The case of the management, as disclosed in the written statement, is that the Overman incharge of the District allotted the job of cleaning the mine but the concerned workman did not carry out the duties allotted to him. Thereafter the Overman reported the matter to A. K. Midya, Sr. Mining Engineer and Sri Midya also directed the concerned workman to carry out the job of cleaning allotted to him, but he refused to carry out the job.

In the domestic enquiry T. K. Mukherjee, Overman incharge stated that he asked the concerned workman to hang ventilation tube, but the concerned

workman refused to do the job. Sri Midya in his statement stated that he found the concerned workman sitting on the rack idly and asked him to do the job of cleaning but he refused to do so. Rajiv Ranjan Kumar, Under Manager, stated that Sri Midya told the concerned workman to perform his assigned duty but he refused to do so. Thus, the evidence of these witnesses contradicts each other regarding the nature of job allotted to the concerned workman. Sri Mukherjee stated that he was allotted the job of hanging ventilation tube while Sri Midya stated that he asked the concerned workman to do the job of cleaning and Rajiv Ranjan Kumar stated that Sri Midya asked him to perform the job assigned to him by the Overman. The Overman assigned him the job of hanging ventilation tube. Considering serious inconsistency in the evidence of the management, as pointed out above, I have no hesitation to hold that the charge against the concerned workman under Clause 17(i)(c) of the Certified Standing Orders for misconduct of wilful insubordination or disobedience to carry out the order of the superior or wilful insubordination of any lawful order or reasonable order of a superior is not sustainable.

12. Now, remains the charge of misconduct under Clause 17(i)(r) for threatening, abusing or assaulting any superior or co-worker. Sri Midya has stated that when he asked the concerned workman to do the job of cleaning he abused him (Midya) in filthy language and attempted to assault him, but in the meantime Rajiv Ranjan Kumar, Under-manager and T. K. Mukherjee, Overman reached the place and took the concerned workman away. T. K. Mukherjee stated that he saw Sri Ghosh and Midya catching the hands of each other and he separated them and he went to the face with Sri Midya. Sri Mukherjee did not support Sri Midya that the concerned workman abused and attempted to assault Sri Midya. Rajiv Ranjan Kumar, Under-manager, stated that Sri Midya asked him to accompany him in the matter of inspection. Sri Midya has not supported Sri Kumar on this point. Anyway, Sri Kumar has stated that the concerned workman abused Sri Midya and tried to manhandle him. I have also stated that Sri Mukherjee did not support the statement of Sri Midya that the concerned workman abused and attempted to assault Sri Midya. The concerned workman, it appears from his explanation, submitted a complaint of his having been assaulted by Sri Midya. Nobody knows whether that complaint was enquired into or not. The Enquiry Officer has not made any enquiry in the matter. In such circumstances, Sri Midya had an animus against the concerned workman. The evidence on record against the concerned workman for his having abused and attempted to assault Sri Midya is very slander and inconsistent and hence, I do not consider it wise to hold the concerned workman guilty of the charge by relying on such slander and inconsistent evidence.

13. I come to the conclusion that the charge against the concerned workman has not been proved by the evidence on record. This being so, the order of dismissal of the concerned workman from service passed by the management on the basis of the report of the Enquiry Officer who found him guilty

of two counts of charges is not sustainable and must be set aside.

14. Accordingly, the following award is rendered—the action of the management of Moonidih Project of M/s. B.C.C. Ltd. in dismissing S. P. Ghosh, General Mazdoor by order of dismissal dated 4-5-1987 is not justified. The order of dismissal is hereby set aside and management is directed to reinstate the concerned workman in service with full back wages and continuity of service with effect from the date of his dismissal from service within one month from the date of publication of the award. His absence from duty from 4-5-1987 till reinstatement shall be treated as leave without pay.

In the circumstances of the case, I award no cost.

This is my award.

Sd/-

S. K. MITRA, Presiding Officer.

नई दिल्ली, 22 सितम्बर, 1992

का.आ. 2720.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रदीप इण्डस्ट्रियल कॉर्पोरेशन के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2) धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 21-9-92 को प्राप्त हुआ था।

[संख्या एल-20012/53/86-डी-3 (ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 22nd September, 1992

S.O. 2720.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Pradeep Industrial Corporation and their workmen, which was received by the Central Government on the 21-9-1992.

[No. L-20012/53/86-D-III(A)]

V. K. VENUGOPALAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 209 of 1986

PARTIES :

Employers in relation to the management of Messrs. Pradeep Industrial Corporation, Dhansar, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen.—None.

2482-GI/92—10.

On behalf of the employers.—Shri R. A. Chamaria, Advocate.

STATE : Bihar

INDUSTRY : Hard Coke

Dated, Dhanbad, the 9th September, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(53)/86-D.III(A) dated the May, 1986.

SCHEDULE

“Whether the action of the management of M/s. Pradeep Industrial Corporation, Dhansar, Distt. Dhanbad in terminating the services of their workmen, Shri Ram Charan Mahto, Fitter is justified? If not, to what relief is the said workman entitled?”

2. This case is pending since 24-9-1991. It will appear from the records that Shri R. A. Chamaria, Advocate appeared for the management but the workmen neither turned up nor took any step. Thereafter several adjournments were granted to the workmen but they did not take any step inspite of issuance of registered notice to them. Lastly when the case was fixed Shri R. A. Chamaria, Advocate appeared before me and filed a petition praying therein to pass a ‘No dispute’ Award. Since the workmen are not appearing nor taking steps, in the circumstances, a ‘No dispute’ Award is passed.

Sd/-

B. RAM, Presiding Officer

नई दिल्ली, 28 सितम्बर, 1992

का.आ. 2721:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. बी.सी.सी. एल. की लोहापत्ती कोलियरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-9-92 को प्राप्त हुआ था।

[संख्या एल-20012/74/89-आई आर (कोल-1)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 28th September, 1992

S.O. 2721.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lohapatti Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on the 22-9-92.

[No. L-20012/74/89-IR(Coal-I)]

V. K. VENUGOPALAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)
of the Industrial Disputes Act, 1947

Reference No. 155 of 1989

PARTIES :

Employers in relation to the management of
Lohapatti Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri S. Bose, Secretary
Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar. INDUSTRY : Coal.

Dated, the 15th September, 1992

AWARD

By Order No. I-20012/74/89-I.R.(Coal-I), dated, the 7th November, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Lohapatti Colliery of M/s. B.C.C. Ltd. in stopping Shri Ram Ekbal Singh, Night Guard from his duty from 16-9-87 and non-payment of wages from that date is justified? If not, to what relief the workman is entitled to?"

2. The case of the management of Lohapatti Colliery, as disclosed in the written statement-cum-rejoinder, details apart, is as follows :

Ram Ekbal Singh was working as Night Guard in Lohapatti Colliery in M/s. B.C.C. Ltd. He was deputed for security training at Joalgora Security Training Camp alongwith other Night Guards of different collieries of the Area by letter dated 7/10-9-87 issued by the General Manager of the Area. He was released from Lohapatti Colliery with effect from 16-9-87 by letter dated 15-9-87 issued by the Agent of the colliery in order to enable him to attend the training. He was advised to collect Rs. 500 from the colliery office for meeting his expenses. He avoided to attend the Security Training and absented from duty. He raised an industrial dispute through Janta Mazdoor Sangh which was amicably settled between the management and the said union on 30-12-87 in the course of conciliation proceeding bearing the signature of the Conciliation Officer/Asstt. Labour

Commissioner(C), Sri A. K. Roy. During the subsistence of that settlement no further dispute can be raised through another union. The aforesaid conciliation settlement is binding upon the concerned workman and the management. The relevant terms of the settlement are re-produced hereinbelow :

"(1) That Sri Ram Ekbal Singh, Night Guard shall be allowed to resume his duties with immediate effect.

(2) That the period of his absence w.e.f. 16-9-87 till resumption of his duties will be treated as leave without pay."

Necessary instruction was issued to all concerned directing to allow the concerned workman to resume his duty in terms of settlement dated 30-10-87. However, the concerned workman did not report for duty and approached another union, Rashtriya Colliery Mazdoor Sangh, for raising another dispute on his behalf and accordingly the said union initiated a case by its letter dated 11-8-88. Since the concerned workman did not report for duty in terms of settlement dated 30-12-87, another letter dated 22-1-88 was issued to him to report for duties giving him warning therein for his unauthorised absence from duty. A copy of that letter was also sent to the Asstt. Labour Commissioner(C), Dhanbad. The management replied to the complaint of Rashtriya Colliery Mazdoor Sangh clarifying the position that as per the settlement the management asked the concerned workman repeatedly to resume his duty. But he was remaining absent from duty unauthorisedly. The dispute raised by Rashtriya Colliery Mazdoor Sangh by letter dated 11-1-88 was closed on 6-4-88 in view of earlier conciliation settlement dated 30-12-87 and the concerned workman was advised by Asstt. Labour Commissioner(C)-II to report for duty with intimation to him and the union representatives were also advised to ensure that the concerned workman report for duty. But he did not report for duty. The A.L.C.(C)-II transferred the case to the A.L.C.(C)-I in order to avoid harassment. It is alleged that it is becoming fancy day by day for the workman not to do any work and earn money with the help of cheap litigation before the Industrial Tribunal which defeats the very purpose of the Industrial Disputes Act. The present reference is illegal, invalid and contrary to public policy.

3. The case of the concerned workman, as appearing from the written statement submitted on his behalf by the authorised representative of Rashtriya Colliery Mazdoor Sangh, briefly stated, is as follows :

The concerned workman was a permanent Night Guard of Lohapatti colliery. While working as Night Guard in the said colliery he fell seriously ill on and from 16-9-87 and due to severe pain of Hernia he had to remain admitted in B.C.C.L. Hospital. Relevant prescription and documents regarding his admission and treatment in the hospital will be produced as and when necessary. During the period of his illness the concerned workman was asked to attend training course of Watch and Ward Personnel from 16-9-87 at Jealgora Station. He was also advised to collect Rs. 500 as advance. But the said Office Order was neither served upon nor communicated to him. Since he was suffering from acute pain

of hernia and undergoing treatment it was not possible for him to comply with the above direction even if such order was communicated to him. On 16-9-87 when he felt better he reported for duty to Ram Singhasan Pandey, Havildar, when he was told that he had been stopped from duty by verbal order of the Superintendent. On 17-9-87 he reported the matter to the Supdt. and requested to allow him to resume his duty at Lohapati colliery. At that stage a letter of release with a direction to him to join training programme at Jealgora stadium was served on 18-9-87. He immediately informed the Supdt. of the Colliery that he was undergoing treatment of Hernia and therefore at that stage it was not possible for him to join Training Course. The management did not consider the circumstances and forced him to remain idle from 16-9-87. He represented the matter before the management time and again but to no effect. In the circumstances the present industrial dispute was raised through Rashtriya Colliery Mazdoor Sangh on 25-4-88. During the conciliation the management of M/s. B.C.C. Ltd. remained adamant and as a result conciliation ended in failure. The Ministry of Labour has been pleased to refer the dispute for adjudication after being satisfied that there exists a bonafide industrial dispute. The management has acted in most inhuman manner is not considering his illness and physical condition at the relevant time and kept the concerned workman idle with effect from 16-9-87. In the circumstances, the union has claimed that the concerned workman is entitled to be reinstated with full back wages from 16-9-87.

4. In rejoinder to the written statement of the union, the management has denied that the concerned workman was sick from 14-9-87 and was seriously ill due to severe pain of hernia. There was no information regarding his alleged illness. The management has asserted that the letter directing him to report for Training Course at Jealgora Training Centre was served on the concerned workman. As a matter of fact, the letter dated 15-9-87 was sent to him on 15-9-87 itself. He did not sign on the office copy of the letter and later he signed it on 18-9-87. He did not join at the training Centre and absented from duty. The management has also denied that the concerned workman informed the Supdt. that he was suffering from hernia and was incapable of undergoing Security Training. The management settled the dispute with the union at the very first instance but the concerned workman is carrying on litigation for earning money without doing any job. The management has denied all other allegations levelled against it.

5. In rejoinder to the written statement of the management, the concerned workman has stated that the present reference is maintainable. It is absolutely incorrect to state that the present dispute was settled between the management and Janta Mazdoor Sangh on 30-12-87. The management has not allowed the concerned workman to resume his duty upto the date of filing rejoinder on 14-9-90 which itself proves that the alleged settlement dated 30-12-87 is nothing but a malafide act. It is also incorrect to state that he remained absent from duty unauthorisedly. It is highly contemptuous for the General Manager Mohuda Area of M/s. B.C.C. Ltd.

to describe the litigation before the Tribunal as cheap litigation for earning money.

6. The management has examined only one witness, Shri R. Lakia, who was posted to Lohapati colliery as Senior Personnel Officer from 1984 to 1989 and laid in evidence some items of documents which have been marked Exts. M-1 to M-6.

On the other hand, the concerned workman has examined himself and laid in evidence some documents which have been marked Exts. W-1 to W-13.

7. Admittedly, the concerned workman was working as permanent Night Guard of Lohapati Colliery of M/s. B.C.C. Ltd. His testimony discloses that he was working in Madhuban Colliery while the coal industry was under private management and from there he was transferred to North Tisra Colliery and from North Tisra Colliery he was again transferred to Lohapati colliery as Night Guard.

By Office Order dated 15-9-87 (Ext. M-1) issued by the Dy. Chief Mining Engineer of Lohapati Colliery, the concerned workman was released from his duty with effect from 16-9-87 to attend the next course of training of Watch and Ward personnel commencing from 13-9-87 at Jealgora Stadium. He was advised to collect Rs. 500 as advance and report at Jealgora Stadium in proper uniform positively. The concerned workman in his written statement has stated that this order was neither served on him nor was it communicated to him. But this is obviously an incorrect statement of fact because the office copy of the order itself indicates that he received the order under his own signature (Ext. M-11). The rejoinder of the management discloses that he signed office copy of the order on 18-9-87 and received the order.

8. Anyway, the fact is that the concerned workman did not join the training course. His plea is that he became seriously ill on 14-9-87 and due to severe pain of hernia he had remained admitted in B.C.C.L. Hospital and that he reported for duty on 16-9-87. His written statement discloses that prescription and documents with regard to his admission and treatment will be produced as and when necessary. But he has not braced himself up to produce the prescription and documents even during the course of hearing of the case before this Tribunal.

However, it appears that he submitted an application before the Dy. Mining Engineer, Lohapati Colliery on 18-7-87 stating that he was a patient of hernia and that he was not in a position to join Jealgora Training Centre with effect from 16-9-87 (Ext. W-11). On 17-9-87 he submitted an application to the Superintendent of Lohapati colliery stating that Ram Singhasan Pandey, Havildar, did not allow him to join duty on 16-9-87 (Ext. W-1). It appears that since the concerned workman was released from duty with effect from 16-9-87 by Office Order dated 15-9-87 he was not allowed to resume his duty at Lohapati colliery. He submitted another application dated 23-9-87 to the Inspector, Training Centre Jealgora (Ext. W-12) stating that he came to the office of the Inspector on 19-9-87, produced medical certificate and as per the direction of the Inspector he reported to the Medical Superintendent, Mohuda

Area. His letter further discloses that after enquiry he was sent to the Central Hospital, Baghmara on 22-9-87 where the doctor declared that it would take sometime (to recover). He requested the Inspector to take necessary step and promised to abide by his order.

9. It appears that since no head-way was made in the matter Janta Mazdoor Sangh espoused the cause of the concerned workman by raising an industrial dispute over the alleged wrongful stoppage of work of the concerned workman and solicited intervention of the Conciliation Officer in the matter (Ext. M-2). It further appears that the dispute was amicably settled in presence of the Conciliation Officer on the following terms :

- "(1) That Shri Ram Egbal Singh, Night Guard shall be allowed to resume his duties with immediate effect.
- (2) That the period of his absence w.e.f. 16-9-87 till resumption of his duties will be treated as leave without pay.
- (3) That the management and the Union, both shall submit their implementation report to the RLC(C), Dhanbad and the ALC(C), Dhanbad-II within fifteen days, failing which it will be presumed that the settlement in question, has been implemented in full."

This settlement has been assailed by the concerned workman on two grounds—firstly the concerned workman gave no authority to Janta Mazdoor Sangh to raise the dispute on his behalf; and secondly, that the settlement is not legal and valid.

Shri S. Bose, authorised representative of the sponsoring union, Rashtriya Colliery Mazdoor Sangh, which has raised the present dispute has contended that the concerned workman was never a member of Janta Mazdoor Sangh. The concerned workman has stated so in his testimony before this Tribunal. The management in its written statement has stated that the present dispute was amicably settled between the management and Janta Mazdoor Sangh on 30-12-87 in the course of conciliation proceeding. The concerned workman has stated in his rejoinder that it is absolutely incorrect to say that the present dispute was settled between the management and Janta Mazdoor Sangh on 30-12-87. He has not disputed therein the fact that he was a member of Janta Mazdoor Sangh at the relevant time. The settlement (Ext. M-2) envisages that both the management and the union should submit Implementation Report to the R.L.C.(C). In terms of the settlement the management by letter dated 22-1-88 directed the concerned workman to report for duty immediately (Ext. M-3). In reply to that letter the concerned workman by letter dated 15-2-88 (Ext. W-113) stated that he was not aware of any settlement arrived at between the management and Janta Mazdoor Sangh and that he was a member of Rashtriya Colliery Mazdoor Sangh and Janta Mazdoor Sangh had no right to raise industrial dispute on his behalf. He expressed his willingness therein to join his duty. The disclaimer of the concerned workman of his not being a member of Janta Mazdoor Sangh

seems to be an afterthought. It is very difficult to believe as to how Janta Mazdoor Sangh would raise the dispute on his behalf unless the concerned workman was their member. The concerned workman has admitted in cross-examination that he did not complain against Janta Mazdoor Sangh before Asstt. Labour Commissioner(C), R.L.C.(C) and the Ministry. Considering the evidence on record, I am constrained to hold that the concerned workman raised an industrial dispute through the agency of Janta Mazdoor Sangh before conciliation Officer which ultimately ended in a settlement dated 30-12-87 in presence of the Conciliation Officer (Ext. M-2).

Shri B. Joshi, learned Advocate for the management, has submitted that the settlement does not provide for payment of wages to the concerned workman during the period of his absence from duties and hence he has disclaimed to be a member of Janta Mazdoor Sangh and thereby tried to scuttle the settlement. The contention of Shri Joshi cannot be dismissed out of hand.

10. The next contention of Shri Bose is that the settlement is not legal and valid as the Conciliation Officer did not send a report of the conciliation proceeding together with a copy of memorandum of settlement signed by the parties to the dispute to the Central Government as Rule 58 of Industrial Disputes (Central) Rules, 1957 envisages. This submission of Shri Bose does not impress me at all. Neither the sponsoring union, Rashtriya Colliery Mazdoor Sangh nor the concerned workman has called for record from the office of the Conciliation Officer to prove the fact that provisions of Rule 58 of Industrial Disputes (Central) Rules, 1957 had not been complied with. Even so the Conciliation Officer might have made breach of duty by not complying with the provision of Rule 58 aforesaid but that does not effect the legality of the conciliation settlement. (4 S.C.L.J. 2365 between State of Bihar VS. Kripa Shankar Jaiswal). The settlement is still binding upon the parties to the settlement as there is no evidence that the concerned workman gave a notice in writing to terminate the settlement. This being the position, I hold that the present industrial dispute is not maintainable in view of the earlier settlement.

11. Accordingly, the following award is rendered--the action of the management of Lohapati Colliery of M's. B.C.C. Ltd. in giving effect to the settlement dated 30-12-87 in terms of which the concerned workman was to resume his duty immediately and the period of his absence from duty was to be treated as leave without pay is justified. The concerned workman is directed to report for duty immediately and the management is directed to allow him to resume duty.

In the circumstances of the case I award no cost.

Sd/-

S. K. MITRA, Presiding Officer.

नई दिल्ली, सितम्बर, 28, 1992

का.अ. 2722 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. सैन्ट्रल कोल्फील्ड्स लि. की लाइयों झार खण्ड

कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं.-2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-9-92 को प्राप्त हुआ था।

[संख्या एल-24012/58/87-डी-IV (बी)]
बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 28th September, 1992

S.O. 2722.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No.2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Laiyo-Jharkhand Collieries of Central Coal Ltd and their workmen, which was received by the Central Government on the 23-9-92

[No. L-24012/58/87-DIV(B)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 306 of 1987

PARTIES :

Employers in relation to the management of of Laiyo-Jharkhand Collieries of Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen:—Shri B. Joshi, Advocate.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Da'ed, Dhanbad, the 17th September, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/58/87-D.IV(B), dated, the 9th/15th December, 1987.

THE SCHEDULE

“Whether the action of the Management of Laiyo-Jharkhand Collieries of Central Coalfields Ltd. P.O. Kedla, Distt. Hazaribagh in denying appointment to Smt. Lalti Devi w/o late Ram Janam Ram under Para

9.3.4 of NCWA-III when her husband passed away during his sickness, is legal and justified? If not, to what relief the concerned workman is entitled?”

2. Here in this reference the applicant is one Smt. Lalti Devi wife of late Ram Janam Ram who is claiming employment under the management of Laiyo Jharkhand colliery of M/s. CCL Distt. Hazaribagh as dependant of her husband as provided under para 9.3.4 of NCWA-III.

3. She has filed the statement of claims stating that her husband late Ram Janam Ram was appointed and working as E.P. Electrician under the management of Laiyo Jharkhand colliery who feel seriously ill while in the employment and came home. It is stated that several application for extension of his leave was sent from time to time but no reply was received and her husband after continuous sickness died on 3-4-84. Accordingly she has prayed for employment under the management under the aforesaid provision of NCNA-II I. However, the management refused to give any employment even on repeated demand and then she has to raise industrial dispute where the management took the plea that the services of late Ram Janam Ram was terminated with effect from 25-11-83 on account of unauthorised absence from duty. It was stated that the stand taken by the management was wholly unjustified and she is entitled for employment as dependant of the deceased husband.

4. The management also filed W.S. denying the claim of the lady applicant and it was stated that the reference did not come within the purview of Industrial dispute within the meaning of Section 2(k) of the I.D. Act. The concerned lady was never a workman of this management and there was no community of interest between her and the management at any time. The management submitted that para 9.3.4 of NCWA-III does not deal with any matter relating to employment. It was contended that there was no certified standing order for the said colliery of the management and in absence thereof the Model Standing Order as framed under the I.E. (S.) Act, 1946 were applicable in this case. The aforesaid standing order have express provision vide S. O. No 10(e) that if a person remains absent beyond the period of leave originally granted or subsequently extended he shall loose lien on his appointment unless he (a) returns within 10 days of expiry of his leave, and (b) explains to the satisfaction of the Manager his inability to return on the expiry of his leave.

5. The management further contended that apart from the above provision there is still another provision vide S.O. 17 of the said Model Standing order to the effect that continuous absence without permission and without satisfactory cause for more than 10 days is misconduct for which the workman concerned may be dismissed from service. The management contended that late Shri Ram Janam Ram was a habitual absentee during the year 1982-83 and during the year 1982 he attended duty only for 277 days while the number of working days was 306. Similarly in the year 1983 he worked for 160 days while the number of the working days was 209 days.

6. Admittedly, Ram Janam Ram proceeded on casual leave from 6-9-83 to 9-9-83 which was duly sanctioned by the management. He left for his native place in the district of Gazipur in U.P. but he did not return after the expiry of leave nor he explained the reasons for his absence. Keeping this fact in view and in terms of the aforesaid model Standing Orders Shri Ram Janam Ram lost his lien on his appointment. Accordingly a chargesheet dt. 12-11-83, was issued against him calling upon to explain his absence from duty from 10-9-83 for more than 10 days without permission and without any satisfactory cause. Since Shri Ram failed to submit any explanation the management terminated his services vide dt. 22/25-11-83 and he therefore ceased to be in the employment of the management from that date.

7. After long lapse of time one lady namely Lalti Devi claiming to be the wife of late Ram Janam Ram sent an application seeking employment under the management in place of her husband but the request could not be accepted by the management as Ram Janam Ram had died long after the loss of his lien on his appointment and also because his services had already been terminated. On these ground it has been stated that the lady applicant has got no claim and the award be passed accordingly.

8. The main point for consideration would be as to whether the lady applicant can seek employment under the provision of para 9.3.4 of NCWA-III.

9. Admittedly, Ram Janam Ram was in the service of the management and was working as E.P. Electrician. It is also admitted case that he took casual leave from 6-9-83 to 9-9-83 (Ext. M-1) and proceeded to his village home in the State of U.P. The main contention of the management was that the concerned workman did not turn up to his duty after expiry of his leave and he also failed to explain the reasons for his absence to the satisfaction of the management, and accordingly as per Model Standing Order 10(e) he lost lien on his appointment. Continuous absence without permission for more than 10 days was a misconduct for which a workman can be dismissed. As per averment a letter seeking employment by the applicant was received much later when Shri Ram was no longer in the employment. The letter (Ext. M-4) was received in the office of the management on 5-4-84. In the application it is stated that her husband died on 3-4-84 and this will suggest that immediately after the death of her husband the lady filed an application for employment. Lalti Devi is the wife of late Ram Janam Ram and this fact has not been specifically challenged by the management. She stated on oath before this Court that her husband Ram Janam Ram died on 3-4-84 after a prolonged illness. Ordinarily a wife cannot tell lie about the death of her husband. She stated that her husband fell ill in the colliery and he came to this village home, and after prolonged illness he died. She had been sending necessary information to the management about the illness of her husband although the management denied to have received any application from Ram Janam Ram. Similarly Lalti Devi has also denied to have received any letter from the management

after her husband fell ill. In this way both the parties are denying any receipt of letter sent by them to each other, although those letters were stated to have been sent under registered cover.

10. MW-1 stated that Ram Janam Ram was chargesheeted on 12-11-83 calling upon him to explain his absence from duty from 10-9-83 without any information to the authority. The chargesheet was sent under registered cover to the home address of Ram Janam Ram in the State of U.P. According to the witness he was called upon to explain without 7 days from the receipt of the chargesheet. The witness stated that Shri Ram did not reply nor he applied for extension of his leave of absence and so a letter of termination dated 23/25-11-83 was sent under registered cover (M-3). The registration receipts are Ext. M-5 and M-5/1. These dates i.e. that the day for issuing chargesheet and the date for termination are very important. He was issued chargesheet on 12-11-83 with instruction and specific direction to submit reply within 7 days from the receipt of the letter. Ordinarily a registered letter is not expected to reach before 7 days to its destination and specially when it was sent from one State to another State. Naturally the registered letter was expected to reach its destination latest by 19th/20th November, 1983 although the applicant has denied to have received any such letter. The workman was given 7 days time to reply after the receipt of the chargesheet. Thus the workman Shri Ram Janam Ram was within his right to reply by 26/27th November, 1983. Again in the ordinary course his reply was expected to reach the management by 3/4th of December, 1983 but the management was seemed to be in haste to issue letter of termination by 23rd/25th November, 1983. The learned counsel for the workmen submitted that this haste action simply demonstrate the hostile and biased attitude of the management. It was urged that Shri Ram was an Electrician and in these days of hardship one cannot dare to remain absent without any cause and that too at the risk of losing job. No doubt in ordinary course a registered letter is expected to reach the addressee but that is not always necessary. On several occasions such letters are returned to the sender with different kind of endorsement by the Postal Peons. However it was beyond the reach of the lady applicant to prove that those registered letter were returned to the sender.

11. Smt. Lalti Devi stated that her husband fell ill in the colliery and he came home while ailing. There is a provision for medical treatment in the colliery hospital and in emergent cases the patients are sent to Vellore also. By adducing such evidence the management wanted to express upon that Shri Ram Janam Ram ought to have received treatment in the colliery hospital if at all he was taken ill during the course of employment. The contention of the learned counsel for the management cannot be ruled out but its otherwise possibility also cannot be denied. Just possibly Shri Ram had a very mild and gentle stroke of illness little knowing its serious and unfailing consequences would have decided to proceed for his village home believing that it will be alright in course of time. This position could have been explained by Shri Ram and Ram alone. A

photo copy of Medical Report is Ext. M-2 showing that Shri Ram was under the treatment of Homeopathic doctor namely Shri A. Roy since 8-9-83 to 2-4-84 and he was suffering from liver abscess. WW-2 has been examined on behalf of the workmen stating about the illness of Ram Janam Ram. He also claimed to have been posting registered letters to the management about the illness of Shri Ram. But the whole examination of this witness appears to be contrary suggesting that he was knowing very little about the illness and treatment of Shri Ram. But it is a fact that Shri Ram died of illness. The management has not raised any different issue that he died otherwise than illness.

12. Certain registration receipts have been filed and marked Ext. W-1 series suggesting that the applicant though coming from a very poor strata of the family and class was conscious and wise enough to communicate the management about the deteriorating condition of her husband. The management refused to have received any such letter and same had been branded as forged and fabricated document Ext. W-1, W-1|1, W-1|3 and W-1|4 are the receipts dated 12-10-83, 24-11-83, 2-12-83 and 5-1-84 respectively. This shows that the letters were sent almost in every month to the management. Ext. W-1|2 series to be last such letter among series which was sent on 14-10-83. Ext. W-1|5 is dated 19-4-84 addressed to the management. The learned counsel for the management pointed out that there was no necessity of sending any letters about the illness on 19-4-84 when the workman died on 3-4-84 itself. The submission definitely seems to be correct but it not necessary that the postal receipt (Ext. W-15) must be relating to the letter of illness. I have already pointed out that there were a number of discrepancies in the evidence of WW-2. I have carefully perused the Sl. No. of the receipts which are on chronological order as per date noted above. In such view of the matter it may be difficult to call such receipts as forged paper.

13. MW-1 stated that after termination of service a letter was received from Smt. Lalti Devi seeking employment as dependant of her husband (Ex. M-4). He stated that after termination of service of any employee no dependant is employed by the management. I have explained as to how the management was quick in issuing letter of termination without giving reasonable time for reply by Shri Ram Janam Ram. He was issued chargesheet. The witness stated that after submission of chargesheet the follow up action is domestic enquiry. Admittedly, no domestic enquiry was conducted in this case. There was no initiation of such enquiry nor the appointment of any enquiry officer. However at this stage the learned counsel for the management relied upon the most important decision reported in LLJ-Vol.I 1973 page 278 (workmen of Firestone and Rubber Company-Versus-the management) and submitted that as held by their Lordship it was not very necessary to hold enquiry on or before passing of any order of dismissal. The provision is very clear that even if no enquiry has been held by an employer or if the enquiry held by him is found to be defective, the Tribunal in order to satisfy itself about the legality and validity of the order has to give oppor-

tunity to the employer to adduce evidence before it. It was pointed that there was no provision in the statute or the act stating that the order of dismissal or discharge was illegal if it was not proceeded by proper and valid domestic enquiry. I would like to mention that the provision is with respect to dismissal or discharge of a workman. Here in the instant case we find that Ram Janam Ram was terminated from his service which can be found from Ext. M-3. Even on the letter of request Ext. M-4 there is an endorsement of an officer of the management that Ram Janam Ram has already been terminated. The word "termination" is equivalent to retrenchment. Section 2(oo) defines retrenchment meaning termination by the employer of the services of workmen for any reason whatsoever other than excepted therein. This means the services of Ram Janam Ram was terminated and that being the position the requirement of Section 25F will definitely come to pay. It provides that no workman employed in any industry who has been in continuous services for not less than one year under an employer shall be retrenched by that employer until (a) the workman has been given one month's notice in writing indicating the reason of retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice the wages for the period of notice. The learned counsel for the workmen has placed his reliance upon the authority reported in LIC Part II 1984 at page 1651. Non-compliance of the provision of Section 25F will definitely vitiate such termination and the employee will be deemed to be in continuous service. Again continuous service has already been defined under Section 25B of the I.D. Act, 1947. As per terms of the definition Shri Ram Janam Ram had completed continuous service for a year and he will be deemed to have expired while under the employment.

14. After having considered this aspect of the matter I am to hold the view that Shri Lalti Devi wife of late Ram Janam Ram is entitled for employment as dependant of her deceased husband under the provision of 9.4 3 of NCWA-III. The provision provides an employment to one dependant of a worker who is permanently disabled in his place. The disablement of the worker concerned should arise from injury or disease, be of permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned. Here in the instant case we find that the concerned workman had become completely invalid on account of his ailment and therefore he was disabled and Lalti Devi the applicant is entitled for employment under the aforesaid provision. The management is thus directed to provide employment to Smt. Lalti Devi in the colliery in the minimum Cat. within one month from the date of publication of the Award.

B. RAM, Presiding Officer.

नई दिल्ली, 23 सितम्बर, 1992

का.सा. 2723 :—उत्पन्नम अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्रम व्योमों कार्यालय मद्रास में नियुक्त सहायक निदेशक श्री बी. जयारामन को 14 व

15 सितम्बर, 1992 तक उत्प्रवासी संरक्षी, मद्रास के कार्यालय में उत्प्रवासी संरक्षी, मद्रास के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[संख्या ए०-22012/1/92-उत्प्रवास]

आर.के. गुप्ता, अवर सचिव

New Delhi, the 23rd September, 1992

S.O. 2732.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Govt. hereby authorises Shri V. Jayaraman, Assistant Director in the office of Labour Bureau, Madras to perform all functions of Protector of Emigrants, Madras in the office of Protector of Emigrants, Madras from 14th September to 15th September, 1992.

[F. No A-2212/1/92-Emig.]

R. K. GUPTA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1992

का.आ. 2774 :—लोह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रमिक कल्याण निधि नियम, 1978 के नियम 3 के उक्त नियम (1) के साथ पठित लोह अयस्क खान, मैंगनीज अयस्क खान तथा क्रोम अयस्क खान श्रमिक कल्याण निधि अधिनियम, 1976 की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत के राष्ट्रपत्र, भाग-II, खण्ड 3, उपखण्ड(ii) के पृष्ठ 4351 से 4353 पर 9 नवंबर, 1991 को

प्रकाशित भारत सरकार, श्रम मंत्रालय की अधिसूचना सं. का.आ. 2844, दिनांक 17 अक्टूबर, 1991 में निम्नलिखित संशोधन करती है, अर्थात्:—

उपरोक्त अधिसूचना के क्रमांक 36 पर उल्लिखित नाम श्री इन्द्रमणि बेहरा के स्थान पर श्री अमिया दास का नाम प्रतिस्थापित किया जाएगा। तथापि, पते में कोई परिवर्तन नहीं होगा।

[सं. यू-23011/1/88-इल्डू-II (सी)]

वी.डी. नागर, अवर सचिव

New Delhi, the 28th September, 1992

S.O. 2724.—In exercise of the powers conferred by section 6 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976), read with sub-rule (1) of rule 3 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 2844, dated the 17th October, 1991 published at pages 4351 to 4353 of the Gazette of India, Part II, section 3, sub-section (ii), dated the 9th November, 1991, namely :—

In the said notification, for the name of Shri Indramani Bebra, at serial number 36, the name of Shri Amiya Das shall be substituted. There will, however, be no change in the address.

[No. U-23011/1/88-W.II(C)]

V. D. NAGAR, Under Secy.